



# भारत का राजपत्र The Gazette of India

आधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY



ड. 7]

नई दिल्ली, शनिवार, फरवरी 17, 2001/माघ 28, 1922

No. 7]

NEW DELHI, SATURDAY, FEBRUARY 17, 2001/MAGHA 28, 1922

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह पत्रिका संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 30 जनवरी, 2001

का. आ. 287.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 229/पीसीआर/2000 दिनांक 24-11-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से के. अ. ब्यूरो, एसीबी, बंगलूर में दर्ज मामला आरसी सं. 27(ए)/2000-बंगलूर में गैरिसन इंजीनियर (एमईएस) के कार्यालय, बिहार के सर्वश्री गुप्ता, गैरिसन इंजीनियर, बिहार, एन. के. सिंह और बी. एस. राव, दोनों जूनियर इंजीनियरों के विरुद्ध अण्टाचार निवारण अधिनियम, 1988 की धारा 7 के अधीन अपराधों तथा उपर्युक्त अपराधों में से एक

अथवा अधिक-से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/2/2001-ए. वी. डी.-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSION

(Department of Personnel & Training)

New Delhi, the 30th January, 2001

S.O. 287:—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD/229/PCR/2000, dated 24-11-2000, hereby extends

the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences under section 7 of the Prevention of Corruption Act, 1988 and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts against S/Sh. Gupta, Garrison Engineer, Bidar, N. K. Singh and B. S. Rao, both Junior Engineers in office of Garrison Engineers (MES), Bidar registered with CBI/ACB/Bangalore vide RC-27(A)/2000-Bangalore.

[No. 228/2/2001-AVD. II]  
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 24 जनवरी, 2001

स्टाम्प

का. आ. 288.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र पांच करोड़ इकसठ लाख उत्तुहत्तर हजार दो सौ पचास रुपये के समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए गए मात्र पांच सौ इकसठ करोड़ उत्तुहत्तर लाख पच्चीस हजार रुपये के समग्र मूल्य के (डिमांडरेलाइज्ड रूप में 266571 बंधपत्रों तथा प्रॉमिसरी नोटों के रूप में 856814 बंधपत्र) आई. डी. बी. आई. एन.सी. बाण्ड्स-9 के रूप में वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 7/2001-स्टाम्प/का. सं. 33/8/2001-वि.क.]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 24th January, 2001

STAMPS

S.O. 288.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees five crore sixty one lakh sixty nine thousand two hundred fifty only chargeable on account of the stamp duty on bonds described as IDBI Flexibonds-9(266571 Bonds in the dematerialised form and 856814 Bonds in the form of Promissory notes) aggregating to rupees five hundred sixty one crore sixty nine lakh twenty five thousand only, to be issued by the said Bank.

[No. 7/2001-STAMPS/F. No. 33/8/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 1 फरवरी, 2001

स्टाम्प

का. आ. 289.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, मै. आई. सी. आई. सी. लि., मुम्बई को मात्र दो करोड़ तिरासी लाख पैसठ हजार एक सौ तेरह रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो कि उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र तीन सौ अठहत्तर करोड़ बीस लाख पन्ध्र हजार रुपये के समग्र मूल्य के ऋणपत्रों के स्वरूप के 756403 आई. सी. आई. सी. आई. अमुरक्षित विमोच्य बांडों (दिसम्बर, 2000 निर्गम) पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 9/2001-स्टाम्प/का. सं. 33/9/2001-वि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 1st February, 2001

STAMPS

S.O. 289.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of rupees two crore eighty three lakh sixty five thousand one hundred thirteen only chargeable on account of the stamp duty on 756403 ICICI Unsecured Redeemable Bonds (December, 2000 Issue) in the nature of Debentures aggregating to rupees three hundred seventy eight crore twenty lakh fifteen thousand only, to be issued by the said company.

[No. 9/2001-STAMPS/F. No. 33/9/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 1 फरवरी, 2001

स्टाम्प

का. आ. 290.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पंजाब नेशनल बैंक, नई दिल्ली को मात्र दो करोड़ रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा मात्र दो सौ करोड़ रुपये के समग्र मूल्य के पी एन बी ई वी आर एस बाण्ड—2000 के रूप में वर्णित प्रॉमिसरी

नोटों के स्वरूप के बंध पत्रों पर दिनांक 25-01-2001 को अवलंबित किए गए हैं।

[सं. 10/2001-स्टाम्प/एफ. सं. 33/10/2001-बि. क.]

आर. जी. छाबड़ा, अवर सचिव

### ORDER

New Delhi, the 1st February, 2001

### STAMPS

S.O. 290.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Punjab National Bank, New Delhi to pay consolidated stamp duty of rupees two crore only on Bonds in the nature of Promissory Notes described as PNB EVRS BOND-2000 aggregating to rupees two hundred crores only allotted on 25-01-2001 by the said Bank.

[No. 10/2001-STAMPS/F. No. 33/10/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 8 फरवरी, 2001

का. आ. 291.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/69/2000-सी. यू. एम. VIII, दिनांक 5-12-2000 को जारी किया और यह निर्देश दिया कि श्री मुख्तियार सिंह सुपुत्र श्री सादहा सिंह, पता-ग्राम नावेन भुरे, पो. आ. व थाना खेमकरन, तहसील-पट्टी, जिला अमृतसर (पंजाब) को निरुद्ध कर लिया जाए तथा केन्द्रीय कारागार, अमृतसर, में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में माल को तस्करी करने तथा तस्करी किये गए माल को छिपाने अथवा लाने ले जाने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वरिष्ठ पुलिस अधीक्षक, तरन तारन, के सम्मुख उपस्थित हो।

[फा. सं. 673/69/2000-सी यू एम-VIII]

एस. सी. गुलाटी, अवर सचिव

### ORDER

New Delhi, the 8th February, 2001

S.O. 291.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/69/2000-Cus. VIII, dated 5-12-2000 under the said sub-section directing that Shri Mukhtiar Singh, S/o Shri Sadha Singh, R/o Village Nawen Bhure, P.O. and Thana Khemkaran, Tehsil Patti, District Amritsar (Punjab), be detained and kept in custody in the Central Jail, Amritsar, with a view to preventing him from smuggling goods and engaging in concealing and transporting smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Taran Taran (Punjab) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/69/2000-Cus. VIII]

S. C. GULATI, Under Secy.

आदेश

नई दिल्ली, 8 फरवरी, 2001

का. आ. 292.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/71/2000-सी यू एम-VIII, दिनांक 5-12-2000 को जारी किया और यह निर्देश दिया कि श्री लखवीर सिंह सुपुत्र श्री सर्वेश सिंह, पता गांव दादपुरा, पो. आ. विबीपुरा, पुलिस स्टेशन बलतौहा, तहसील पाटो, जिला अमृतसर (पंजाब), को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, अमृतसर में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में माल की तस्करी करने की अपेक्षा एवं तस्करी किये गये माल को लाने ले जाने में संलिप्त होने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास वह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह

निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर बरिष्ठ पुलिस अधीक्षक, तरन तारन, के सम्मुख उपस्थित हो।

[फा. सं. 673/71/2000—सी यू एस.-VIII]

एस. पी. गुलाटी, अवर सचिव

### ORDER

New Delhi, the 8th February, 2001

S.O. 292.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/71/2000-Cus. VIII, dated 5-12-2000 under the said sub-section directing that Shri Lakhbir Singh, S/o Shri Swaran Singh, R/o Village Daudpura, P.O. Dibbipura, P.S. Valtaha, Tehsil Patti, District Amritsar (Punjab), be detained and kept in custody in the Central Jail, Amritsar, with a view to preventing him from abetting the smuggling of goods and engaging in transporting smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Taran Taran (Punjab) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/71/2000-Cus. VIII]

S. C. GULATI, Under Secy.

(व्यय विभाग)

नई दिल्ली, 30 जनवरी, 2001

का. आ. 293.—भविष्य निधि अधिनियम, 1925 (1925 का 19) के खंड 8, उपखण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि उपरोक्त अधिनियम के प्रावधान [खण्ड 6(क) के अलावा] राष्ट्रीय प्राकृतिक चिकित्सा संस्थान के कर्मचारियों के लाभ के लिए अधिष्ठापित भविष्य निधि पर लागू होंगे।

[सं. 4(1)-संस्था-V/95 (II)]

मोहिनंदर सिंह, निदेशक

(Department of Expenditure)

New Delhi, the 30th January, 2001

S.O. 293.—In exercise of the powers conferred by sub-section (2) of Section 8 of the Provident Funds Act, 1925 (19 of 1925),

the Central Government hereby directs that the provisions of the said Act (except section 6A) shall apply to the Provident Fund established for the benefit of the employees of the National Institute of Naturopathy.

[No. 4(1)-EV/95(II)]

MOHINDER SINGH, Director

नई दिल्ली, 30 जनवरी, 2001

का. आ. 294.—भविष्य निधि अधिनियम, 1925 (1925 का 19) के खण्ड 8, उपखण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उपरोक्त अधिनियम की अनुसूची में निम्नलिखित सार्वजनिक संस्थान का नाम जोड़ती है, नामतः :—

“नेशनल इंस्टीट्यूट ऑफ नेचुरोपैथी”

(राष्ट्रीय प्राकृतिक चिकित्सा संस्थान)

[सं. 4(1)-संस्था-V-95(I)]

मोहिनंदर सिंह, निदेशक

New Delhi, the 30th January, 2001

S.O. 294.—In exercise of the powers conferred by sub-section (3) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act, the name of the following public institution, namely :—

“National Institute of Naturopathy”.

[No. 4(1)-EV/95(I)]

MOHINDER SINGH, Director

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 31 जनवरी, 2001

का. आ. 295.—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा 6 की उप-धारा 2 के साथ पठित धारा 6 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय लघु उद्योग विकास बैंक के कार्यपालक निदेशक श्री पी. बी. निम्बालकर को उसके कार्यभार ग्रहण करने की तारीख से 28 फरवरी 2003 तक की अवधि के लिए भारतीय लघु उद्योग विकास बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 7/13/2000—बी. ओ. II]

डी. के. श्यामी निदेशक



(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st January, 2001

S.O. 295.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 6 read with sub-section 2 of Section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby appoints Shri P. B. Nimbalkar, Executive Director, Small Industries Development Bank of India, as Chairman and Managing Director, Small Industries Development Bank of India for the period from the date of his taking charge and upto 28th February, 2003.

[F. No. 7/13/2000-B.O.I]

D. K. TYAGI, Director

नई दिल्ली, 31 जनवरी, 2001

का. आ. 296.—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (189 का 39) की धारा 6 की उप-धारा 2 के साथ पठित धारा 6 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय लघु उद्योग विकास बैंक के कार्यपालक निदेशक श्री जी. के. सक्सेना को उनके कार्यभार ग्रहण करने की तारीख से 31 मार्च, 2002 तक की अवधि के लिए भारतीय लघु उद्योग विकास बैंक के पूर्णकालिक निदेशक (उप प्रबन्ध निदेशक के रूप में नामाङ्कित) के रूप में नियुक्त करती है।

[फा. सं. 7/14/2000-बी.ओ.1]

डी. के. त्यागी, निदेशक

New Delhi, the 31st January, 2001

S.O. 296.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 6 read with sub-section 2 of Section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby appoints Shri G. K. Saxena, Executive Director, Small Industries Development Bank of India, as a whole time

director (designated as Deputy Managing Director), Small Industries Development Bank of India for the period from the date of his taking charge and upto 31st March, 2002.

[F. No. 7/14/2000-B.O.I]

D. K. TYAGI, Director

नई दिल्ली, 31 जनवरी, 2001

का. आ. 297.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा 3 के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री सी. कृष्णन, मुख्य महा प्रबंधक, मुद्रा प्रबन्धन विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, मुम्बई को तत्काल प्रभाव से और अगले आदेश होने तक श्री एस. आर. मित्तल के स्थान पर यूको बैंक के निदेशक के रूप में नामित करती है।

[फा. सं. 9/18/2000-बी.ओ.1]

डी. के. त्यागी, निदेशक

New Delhi, the 31st January, 2001

S.O. 297.—In exercise of the powers conferred by clause (c) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates, Shri C. Krishnan, Chief General Manager, Department of Currency Management, Reserve Bank of India, Central Office, Mumbai as a Director of UCO Bank with immediate effect and until further orders vice Shri S. R. Mittal.

[No. 9/18/2000-B.O.I]

D. K. TYAGI, Director

कोयला मंत्रालय

नई दिल्ली, 31 जनवरी, 2001

का.आ. 298.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाय्य अनुसूची में उल्लेखित भूमि में कोयला अभिप्राप्त होने की संभावना है ;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

इस अधिमूचना के प्रयोजन आने वाले क्षेत्र के रेखांक सं. सी.-1(ई)/III एच आर/668-032000, तारीख 21 मार्च 2000 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल एस्टेट, सिविल लाईन्स नागपुर-440 001 (महाराष्ट्र) के कार्यालय में या कलेक्टर, छिन्दवाडा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिमूचना के अधीन आने वाले भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट किए गए सभी नक्शे, रेखाचित्र, और अन्य दस्तावेज इस अधिमूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, भारमाधक अधिकारी/विभागाध्यक्ष (राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड, कोल एस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) को भेजेंगे।

## अनुमोची

शारदा ब्लाक

कान्हेन क्षेत्र

जिला छिन्दवाडा (मध्य प्रदेश)

(रेखांक सं. सी.-1(ई) III एच आर 668-032000 तारीख 21 मार्च, 2000)

क्रम संख्यांक	ग्राम का नाम	पटवारी हलका संख्या	बंदोबस्त संख्यांक	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	घुट्टी	27	149	जुन्नारदेव	छिन्दवाडा	53.00	भाग
2.	केवलारी कलां	25	73	जुन्नारदेव	छिन्दवाडा	445.00	भाग
3.	उमरिया फदली	27	31	जुन्नारदेव	छिन्दवाडा	284.00	भाग
4.	जामकुंडा	27	187	जुन्नारदेव	छिन्दवाडा	15.00	भाग

कुल क्षेत्र 797.00 हेक्टेयर (लगभग)

या

1967.387 एकड़ (लगभग)

## सीमा वर्णन :

- क—ख रेखा, बिन्दु “क” से आरंभ होती है और ग्राम घुट्टी से होकर जाती है और बिन्दु “ख” पर मिलती है।
- ख—ग रेखा, उमरिया फदली और मोरकुंड गांवों की संयुक्त सीमा के साथ-साथ जाती है और बिन्दु “ग” पर मिलती है।
- ग—घ रेखा, केवलारी कलां और मोरकुंड गांवों की संयुक्त सीमा के साथ-साथ जाती है और बिन्दु “घ” पर मिलती है।
- घ—ङ रेखा, केवलारी कलां से जाती है और बिन्दु “ङ”, पर मिलती है।
- ङ—च रेखा, केवलारी कलां और रिचेरा गांवों की संयुक्त सीमा के साथ-साथ जाती है और बिन्दु “च” पर मिलती है।
- च—छ रेखा, केवलारी कलां और पालाचौगढ़ गांवों की संयुक्त सीमा के साथ-साथ जाती है और बिन्दु “छ” पर मिलती है।
- छ—ज-झ रेखा, केवलारी कलां और नाजरपुर, उमरिया फदली और नाजरपुर गांवों की संयुक्त सीमा के साथ-साथ जाती है और बिन्दु “झ” पर मिलती है।
- झ-ञ-ट-ठ रेखा जामकुंडा गांव से जाती है फिर उमरिया फदली गांव से होकर जाती है और बिन्दु “ठ” पर मिलती है।
- ठ—ड-क रेखा, घुट्टी और उमरिया फदली, घुट्टी और मुकुरी गांवों की संयुक्त सीमा के साथ-साथ जाती है और आरंभिक बिन्दु “क” पर मिलती है।

[सं. 43015/26/2000-पी आर आई डब्ल्यू]

संजय बहादुर, उप सचिव

## MINISTRY OF COAL

New Delhi, the 31st January, 2001

S.O. 298.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. C-I/(E)/III/HR/668-032000 dated the 21st March, 2000 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE  
SHARDA BLOCK  
KANHAN AREA

DISTRICT CHHINDWARA (MADHYA PRADESH)

(Plan No. C-I(E)/III/HR 668-032000 dated the 21st March, 2000).

Serial number	Name of village	Patwari circle number	Settlement number	Tahsil	District	Area in hectares	Remarks
1	Ghutti	27	149	Junnardeo	Chhindwara	53.00	Part
2	Keolari Kalan	25	73	Junnardeo	Chhindwara	445.00	Part
3	Umaria Fadali	27	31	Junnardeo	Chhindwara	284.00	Part
4	Jamkunda	27	187	Junnardeo	Chhindwara	15.00	Part

Total area : 797.00 hectares  
(approximately)  
or  
1969.387 acres  
(approximately)

Boundary description:—

- A—B Line starts from point 'A' and passes through village Ghutti and meets at point 'B'.
- B—C Line passes along the common village boundary of village Umaria Fadali and Morkund and meets at point 'C'.
- C—D Line passes along the common village boundary of villages Keolari Kalan and Morkund and meets at point 'D'.
- D—E Line passes through village Keolari Kalan and meets at point 'E'.
- E—F Line passes along the common village boundary of villages Keolari Kalan and Richera and meets at point 'F'.
- F—G Line passes along the common village boundary of villages Keolari Kalan and Palachourai and meets at point 'G'.
- G—H—I Line passes along the common village boundary of villages Keolari Kalan and Nazarpur, Umaria Fadali and Nazarpur and meets at point 'I'.
- I—J—K—L Line passes through village Jamkunda then proceeds through village Umaria Fadali and meets at point 'L'.
- L—M—A Line passes along the common village boundary of villages Ghutti and Umaria Fadali, Ghutti and Sukri and meets at starting point 'A'.

सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय

नई दिल्ली, 22 जनवरी, 2001

का. आ. 299.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :—

1. क्षेत्र संकार्य प्रभाग, राष्ट्रीय प्रतिदर्श सर्वेक्षण संगठन, क्षेत्रीय कार्यालय, जालन्धर ।
2. समक विधायन केन्द्र, गिरिडीह ।

[संख्या ई-11011/2/96-हिन्दी]

अशोक कुमार शर्मा, निदेशक

MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

New Delhi, the 22nd January, 2001

S.O. 299.—In pursuance of sub rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Statistics and Programme Implementation where the percentage of Hindi knowing staff has gone above 80 per cent :—

1. Field Operations Division, National Sample Survey Organisation, Regional Office, Jalandhar.
2. Data Processing Centre, Giridih.

[No. E-11011/2/96-Hindi]

ASHOK KUMAR SHARMA, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 1 फरवरी, 2001

का.आ. 300 :—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिये गए मानक(कों) में संशोधन किया गया है/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
1	2	3	4
1.	आईएस 2 : 1960	संशोधन सं. 3, अगस्त 2000	2000-08-31
2.	आईएस 44 : 1991	संशोधन सं. 1, सितम्बर 2000	2000-09-30
3.	आईएस 101 (भाग / खंड 5) : 1989	संशोधन सं. 2, अगस्त 2000	2000-08-31
4.	आईएस 302-2-3 (1992)	संशोधन सं. 8, सितम्बर 2000	2000-09-30
5.	आईएस 374 : 1979	संशोधन सं. 5, सितम्बर 2000	2000-09-30
6.	आईएस 398 (भाग 5) : 1992	संशोधन सं. 1, सितम्बर 2000	2000-09-30
7.	आईएस 514 : 1992	संशोधन सं. 1, नवम्बर 2000	2000-11-30
8.	आईएस 1003 (भाग 1) : 1991	संशोधन सं. 3, सितम्बर 2000	2000-09-30
9.	आईएस 1114 : 1964	संशोधन सं. 1, नवम्बर 2000	2000-11-30
10.	आईएस 1391 (भाग 1) : 1992	संशोधन सं. 2, अक्टूबर 2000	2000-10-31
11.	आईएस 1460 : 1995	संशोधन सं. 4, सितम्बर 2000	2000-09-30
12.	आईएस 1472 : 1977	संशोधन सं. 2, सितम्बर 2000	2000-09-30
13.	आईएस 1536 : 1989	संशोधन सं. 3, अगस्त 2000	2000-08-31

1	2	3	4
14.	आईएस 1652 : 1991	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
15.	आईएस 1783 (भाग 1) : 1992	संशोधन सं. 2, अक्टूबर 2000	2000-10-31
16.	आईएस 1783 (भाग 2) : 1988	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
17.	आईएस 1848 : 1991	संशोधन सं. 3, अक्टूबर 2000	2000-10-31
18.	आईएस 2095 (भाग 1) : 1996	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
19.	आईएस 2095 (भाग 3) : 1996	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
20.	आईएस 2191 (भाग 1) : 1983	संशोधन सं. 1, सितम्बर 2000	2000-09-30
21.	आईएस 2191 (भाग 2) : 1983	संशोधन सं. 1, सितम्बर 2000	2000-09-30
22.	आईएस 2202 (भाग 2) : 1983	संशोधन सं. 1, सितम्बर 2000	2000-09-30
23.	आईएस 2344 : 1994	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
24.	आईएस 2653 : 1993	संशोधन सं. 3, अक्टूबर 2000	2000-10-31
25.	आईएस 2779 : 1980	संशोधन सं. 1, नवम्बर 2000	2000-11-30
26.	आईएस 2796 : 1995	संशोधन सं. 4, सितम्बर 2000	2000-09-30
27.	आईएस 2849 : 1983	संशोधन सं. 3, सितम्बर 2000	2000-09-30
28.	आईएस 3025 (भाग 23) : 1986	संशोधन सं. 1, सितम्बर 2000	2000-09-30
29.	आईएस 3025 (भाग 43) : 1992	संशोधन सं. 1, सितम्बर 2000	2000-09-30
30.	आईएस 3025 (भाग 44) : 1993	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
31.	आईएस 3025 (भाग 46) : 1992	संशोधन सं. 1, सितम्बर 2000	2000-09-30
32.	आईएस 3025 (भाग 47) : 1994	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
33.	आईएस 3025 (भाग 48) : 1994	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
34.	आईएस 3025 (भाग 49) : 1994	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
35.	आईएस 3087 : 1985	संशोधन सं. 5, जून 2000	2000-06-30
36.	आईएस 3195 : 1992	संशोधन सं. 2, सितम्बर 2000	2000-09-30
37.	आईएस 3550 : 1965	संशोधन सं. 2, अक्टूबर 2000	2000-10-31
38.	आईएस 3677 : 1985	संशोधन सं. 1, सितम्बर 2000	2000-09-30
39.	आईएस 3837 : 1976	संशोधन सं. 1, सितम्बर 2000	2000-09-30
40.	आईएस 3873 : 1993	संशोधन सं. 1, सितम्बर 2000	2000-09-30
41.	आईएस 4021 : 1995	संशोधन सं. 1, अगस्त 2000	2000-08-31
42.	आईएस 4351 : 1976	संशोधन सं. 3, सितम्बर 2000	2000-09-30
43.	आईएस 4605 : 1981	संशोधन सं. 2, सितम्बर 2000	2000-09-30
44.	आईएस 4717 : 1980	संशोधन सं. 4, अक्टूबर 2000	2000-10-31
45.	आईएस 4962 : 1968	संशोधन सं. 1, सितम्बर 2000	2000-09-30
46.	आईएस 5120 : 1977	संशोधन सं. 5, अक्टूबर 2000	2000-10-31
47.	आईएस 5182 (भाग 8) : 1976	संशोधन सं. 1, अक्टूबर 2000	2000-10-31
48.	आईएस 5470 : 1969	संशोधन सं. 2, अक्टूबर 2000	2000-10-31
49.	आईएस 6198 : 1992	संशोधन सं. 1, सितम्बर 2000	2000-09-30
50.	आईएस 6303 : 1984	संशोधन सं. 5, सितम्बर 2000	2000-09-30
51.	आईएस 6448 : 1993	संशोधन सं. 1, नवम्बर 2000	2000-11-30
52.	आईएस 6595 (भाग 1) : 1993	संशोधन सं. 2, अक्टूबर 2000	2000-10-31
53.	आईएस 6598 : 1972	संशोधन सं. 2, अगस्त 2000	2000-08-31
54.	आईएस 6681 : 1972	संशोधन सं. 1, नवम्बर 2000	2000-11-30
55.	आईएस 7224 : 1985	संशोधन सं. 4, अक्टूबर 2000	2000-10-31
56.	आईएस 8133 : 1983	संशोधन सं. 2, नवम्बर 2000	2000-11-30
57.	आईएस 8148 : 1976	संशोधन सं. 2, सितम्बर 2000	2000-09-30
58.	आईएस 8472 : 1998	संशोधन सं. 1, अक्टूबर 2000	2000-10-31

1	2	3	4
59. आईएस 9128 : 1999	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
60. आईएस 9300 (भाग 2) : 1989	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
61. आईएस 9451 : 1994	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
62. आईएस 9755 : 1999	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
63. आईएस 9755 : 1999	संशोधन सं. 2, नवम्बर 2000	2000-11-30	
64. आईएस 9880 : 1981	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
65. आईएस 9886 : 1990	संशोधन सं. 1, अक्टूबर 2000	2000-08-31	
66. आईएस 10068 (भाग 2) : 1982	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
67. आईएस 10141 : 1982	संशोधन सं. 4, सितम्बर 2000	2000-09-30	
68. आईएस 10617 (भाग 1) : 1983	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
69. आईएस 10617 (भाग 2) : 1982	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
70. आईएस 10617 (भाग 3) : 1985	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
71. आईएस 10646 : 1991	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
72. आईएस 10748 : 1995	संशोधन सं. 3, सितम्बर 2000	2000-09-30	
73. आईएस 10909 : 1984	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
74. आईएस 11001 : 1984	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
75. आईएस 11003 : 1984	संशोधन सं. 1, नवम्बर 2000	2000-11-30	
76. आईएस 11809 : 1994	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
77. आईएस 12225 : 1997	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
78. आईएस 12232 (भाग 1) : 1996	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
79. आईएस 12248 : 1988	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
80. आईएस 12728 : 1989	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
81. आईएस 12785 : 1994	संशोधन सं. 3, नवम्बर 2000	2000-11-30	
82. आईएस 12818 : 1992	संशोधन सं. 3, सितम्बर 2000	2000-09-30	
83. आईएस 12933 (भाग 2) : 1992	संशोधन सं. 3, सितम्बर 2000	2000-09-30	
84. आईएस 13369 : 1992	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
85. आईएस 13383 (भाग 2) : 1992	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
86. आईएस 13428 : 1998	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
87. आईएस 13463 : 1992	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
88. आईएस 13464 : 1992	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
89. आईएस 13487 : 1992	संशोधन सं. 4, अक्टूबर 2000	2000-10-31	
90. आईएस 13488 : 1992	संशोधन सं. 4, अक्टूबर 2000	2000-10-31	
91. आईएस 13514 : 1992	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
92. आईएस 13798 : 1993	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
93. आईएस 14151 (भाग 2) : 1999	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
94. आईएस 14164 : 1994	संशोधन सं. 1, अक्टूबर 2000	2000-10-31	
95. आईएस 14220 : 1994	संशोधन सं. 3, अक्टूबर 2000	2000-10-31	
96. आईएस 14543 : 1998	संशोधन सं. 2, सितम्बर 2000	2000-09-30	
97. आईएस 14587 : 1998	संशोधन सं. 2, अगस्त 2000	2000-08-31	
98. आईएस 14605 : 1998	संशोधन सं. 1, सितम्बर 2000	2000-09-30	
99. आईएस 14606 : 1998	संशोधन सं. 1, सितम्बर 2000	2000-09-30	

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, खंडीगढ़, चेन्नई, मुम्बई और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, नागपुर, पटना, पुणे, राजकोट, तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं० के.प्र.वि. : 1/13 : 5]

सतीश चन्द्र, अपर महानिदेशक

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

## BUREAU OF INDIAN STANDARDS

New Delhi, the 1st February, 2001

S.O. 300.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notified that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued:

## SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect.
1	2	3	4
1.	IS 2 : 1960	Amendment No. 3, August 2000	2000-08-31
2.	IS 44 : 1991	Amendment No. 1, September 2000	2000-09-30
3.	IS 101 (Part 1/Sec 5) : 89	Amendment No. 2, August 2000	2000-08-31
4.	IS 302-2-3 (1992)	Amendment No. 8, September 2000	2000-09-30
5.	IS 374 : 1979	Amendment No. 5, September 2000	2000-09-30
6.	IS 398 (Part 5) : 1992	Amendment No. 1, September 2000	2000-09-30
7.	IS 514 : 1992	Amendment No. 1, November 2000	2000-11-30
8.	IS 1003 (Part 1) : 1991	Amendment No. 3, September 2000	2000-09-30
9.	IS 1114 : 1964	Amendment No. 1, November 2000	2000-11-30
10.	IS 1391 (Part 1) : 1992	Amendment No. 2, October 2000	2000-10-31
11.	IS 1460 : 1995	Amendment No. 4, September 2000	2000-09-30
12.	IS 1472 : 1977	Amendment No. 2, September 2000	2000-09-30
13.	IS 1536 : 1989	Amendment No. 3, August 2000	2000-08-31
14.	IS 1652 : 1991	Amendment No. 1, October 2000	2000-10-31
15.	IS 1783 (Part 1) : 1993	Amendment No. 2, October 2000	2000-10-31
16.	IS 1783 (Part 2) : 1988	Amendment No. 1, October 2000	2000-10-31
17.	IS 1848 : 1991	Amendment No. 3, October 2000	2000-10-31
18.	IS 2095 (Part 1) : 1996	Amendment No. 1, October 2000	2000-10-31
19.	IS 2095 (Part 3) : 1996	Amendment No. 1, October 2000	2000-10-31
20.	IS 2191 (Part 1) : 1983	Amendment No. 1, September 2000	2000-09-30
21.	IS 2191 (Part 2) : 1983	Amendment No. 1, September 2000	2000-09-30
22.	IS 2202 (Part 2) : 1983	Amendment No. 1, September 2000	2000-09-30
23.	IS 2344 : 1994	Amendment No. 1, October 2000	2000-10-31
24.	IS 2653 : 1993	Amendment No. 3, October 2000	2000-10-31
25.	IS 2779 : 1980	Amendment No. 1, November 2000	2000-11-30
26.	IS 2796 : 1995	Amendment No. 4, September 2000	2000-09-30
27.	IS 2849 : 1983	Amendment No. 3, September 2000	2000-09-30
28.	IS 3025 (Part 23) : 1986	Amendment No. 1, September 2000	2000-09-30
29.	IS 3025 (Part 43) : 1992	Amendment No. 1, September 2000	2000-09-30
30.	IS 3025 (Part 44) : 1993	Amendment No. 1, October 2000	2000-10-31

1	2	3	4
31. IS 3025 (Part 46) : 1992	Amendment No. 1, September 2000	2000-09-30	
2. IS 3025 (Part 47) : 1994	Amendment No. 1, October 2000	2000-10-31	
33. IS 3025 (Part 48) : 1994	Amendment No. 1, October 2000	2000-10-31	
34. IS 3025 (Part 49) : 1994	Amendment No. 1, October 2000	2000-10-31	
35. IS 3087 : 1985	Amendment No. 5, June 2000	2000-06-2	
36. IS 3195 : 1992	Amendment No. 2, September 2000	2000-09-2	
37. IS 3550 : 1965	Amendment No. 2, October 2000	2000-10-2	
38. IS 3677 : 1985	Amendment No. 1, September 2000	2000-09-2	
39. IS 3837 : 1976	Amendment No. 1, September 2000	2000-09-2	
40. IS 3873 : 1993	Amendment No. 1, September 2000	2000-09-3	
41. IS 4021 : 1995	Amendment No. 1, August 2000	2000-08-2	
42. IS 4351 : 1976	Amendment No. 3, September 2000	2000-09-2	
43. IS 4605 : 1981	Amendment No. 2, September 2000	2000-09-2	
44. IS 4717 : 1980	Amendment No. 4, October 2000	2000-10-3	
45. IS 4962 : 1968	Amendment No. 1, September 2000	2000-09-3	
46. IS 5120 : 1977	Amendment No. 5, October 2000	2000-10-3	
47. IS 5182 (Part 8) : 1976	Amendment No. 1, October 2000	2000-10-3	
48. IS 5470 : 1969	Amendment No. 2, October 2000	2000-10-3	
49. IS 6198 : 1992	Amendment No. 1, September 2000	2000-09-30	
50. IS 6303 : 1984	Amendment No. 5, September 2000	2000-09-3	
51. IS 6448 : 1983	Amendment No. 1, November 2000	2000-11-3	
52. IS 6595 (Part 1) : 1993	Amendment No. 2, October 2000	2000-10-3	
53. IS 6598 : 1972	Amendment No. 2, August 2000	2000-08-3	
54. IS 6681 : 1972	Amendment No. 1, November 2000	2000-11-3	
55. IS 7224 : 1985	Amendment No. 4, October 2000	2000-10-3	
56. IS 8133 : 1983	Amendment No. 2, November 2000	2000-11-30	
57. IS 8148 : 1976	Amendment No. 2, September 2000	2000-09-30	
58. IS 8472 : 1998	Amendment No. 1, October 2000	2000-10-3	
59. IS 9128 : 1999	Amendment No. 1, October 2000	2000-10-3	
60. IS 9300 (Part 2) : 1989	Amendment No. 2, September 2000	2000-09-30	
61. IS 9451 : 1994	Amendment No. 1, September 2000	2000-09-30	
62. IS 9755 : 1999	Amendment No. 1, September 2000	2000-09-30	
63. IS 9755 : 1999	Amendment No. 2, November 2000	2000-11-30	
64. IS 9880 : 1981	Amendment No. 1, October 2000	2000-10-31	
65. IS 9886 : 1990	Amendment No. 1, August 2000	2000-08-31	
66. IS 10068 (Part 2) : 1982	Amendment No. 2, September 2000	2000-09-30	
67. IS 10141 : 1982	Amendment No. 4, September 2000	2000-09-30	
68. IS 10617 (Part 1) : 1983	Amendment No. 2, September 2000	2000-09-30	
69. IS 10617 (Part 2) : 1983	Amendment No. 2, September 2000	2000-09-30	
70. IS 10617 (Part 3) : 1983	Amendment No. 2, September 2000	2000-09-30	
71. IS 10646 : 1991	Amendment No. 2, September 2000	2000-09-30	
72. IS 10748 : 1995	Amendment No. 3, September 2000	2000-09-30	
73. IS 10909 : 1984	Amendment No. 2, September 2000	2000-09-30	
74. IS 11001 : 1984	Amendment No. 1, October 2000	2000-10-31	
75. IS 11003 : 1984	Amendment No. 1, November 2000	2000-11-30	
76. IS 11809 : 1994	Amendment No. 1, September 2000	2000-09-30	



1	2	3	4
77. IS 12225 : 1997	Amendment No. 1, October 2000	2000-10-31	
78. IS 12232 (Part 1) : 1996	Amendment No. 1, September 2000	2000-09-30	
79. IS 12248 : 1988	Amendment No. 1, September 2000	2000-09-30	
80. IS 12728 : 1989	Amendment No. 1, September 2000	2000-09-30	
81. IS 12785 : 1994	Amendment No. 3, November 2000	2000-11-30	
82. IS 12818 : 1992	Amendment No. 3, September 2000	2000-09-30	
83. IS 12933 (Part 2) : 1992	Amendment No. 3, September 2000	2000-09-30	
84. IS 13369 : 1992	Amendment No. 1, September 2000	2000-09-30	
85. IS 13383 (Part 2) : 1992	Amendment No. 1, October 2000	2000-10-31	
86. IS 13428 : 1998	Amendment No. 2, September 2000	2000-09-30	
87. IS 13463 : 1992	Amendment No. 1, October 2000	2000-10-31	
88. IS 13464 : 1992	Amendment No. 1, October 2000	2000-10-31	
89. IS 13487 : 1992	Amendment No. 4, October 2000	2000-10-31	
90. IS 13488 : 1992	Amendment No. 4, October 2000	2000-10-31	
91. IS 13514 : 1992	Amendment No. 1, September 2000	2000-09-30	
92. IS 13798 : 1993	Amendment No. 1, September 2000	2000-09-30	
93. IS 14151 (Part 2) : 1999	Amendment No. 1, October 2000	2000-10-31	
94. IS 14164 : 1994	Amendment No. 1, October 2000	2000-10-31	
95. IS 14220 : 1994	Amendment No. 3, October 2000	2000-10-31	
96. IS 14543 : 1998	Amendment No. 2, September 2000	2000-09-30	
97. IS 14587 : 1998	Amendment No. 2, August 2000	2000-08-31	
98. IS 14605 : 1998	Amendment No. 1, September 2000	2000-09-30	
99. IS 14606 : 1998	Amendment No. 1, September 2000	2000-09-30	

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Nagpur, Patna, Pune, Rajkot, Thiruvananthapuram.

[No. CMD/13 : 5]

SATISH CHANDER, Addl. Director General

नई दिल्ली, 1 फरवरी, 2001

का. आ. 301. —भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के उपविधम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	शीर्षक भारतीय मानक	भारतीय मानक सं./भाग/अनुभाग वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	6233558	2000/09	मै. कीर्तिलाल कालीदास एंज्. कं. 601, राजा स्ट्रीट, कोयम्बतूर 641 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं/ आभूषण/शिल्पकारी शुद्धता एवं महुरांकन	आईएस 01417 : 99

(1)	(2)	(3)	(4)	(5)	(6)
2.	6233659	2000/09	मै. अमरावती पाइप्स त्रिचे मेन रोड, संप्रीति, आर. एस. ( पूर्व ) बेलापति पोस्ट करुड जिला तमिलनाडु 639 004	पूर्व बलित कंग्रीट पाइप ( प्रबलन सहित और रहित )	आईएस 00458 : 88
3.	6233760	2000/09	मै. लारसन एंड टूब्रो लिमिटेड एपी सीमेंट वर्क्स, फोगसमुद्रम गांव, ताडपत्री मंडल, अनन्तापुर जिला 515 415	पोर्टलैंड धातुमल सीमेंट	आईएस 00455 : 89
4.	6233861	2000/09	मै. नागार्जुन पॉलिमर्स 206/8, और 9, आईडीए, फेस 2, चेर्लापल्ली, आर. आर. जिला	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीवीसी पाइप	आईएस 04984 : 95
5.	6233962	2000/09	मै. वनटैक इंडस्ट्री लि., आईडीए, काजीपल्ली, जिन्नाराम मंडल मेडक जिला 502 319	क्लोरपाइरिफाम, तकनीकी	आईएस 08963 : 78
6.	6234055	2000/09	मै. वनटैक इंडस्ट्री लि., आईडीए, काजीपल्ली, जिन्नाराम मंडल, मेडक जिला 502 319	ब्यूटाक्लोर, तकनीकी	आईएस 09355 : 80
7.	6234156	2000/09	मै. वनटैक इंडस्ट्री लि., आईडीए, काजीपल्ली जिन्नाराम मंडल, मेडक जिला 502 319	ब्यूटाक्लोर पायसनीय सांद्र	आईएस 09356 : 80
8.	6234257	2000/09	मै. वनटैक इंडस्ट्री लि., आईडीए, काजीपल्ली, जिन्नाराम मंडल, मेडक जिला 502 319	इंडोसिलफान पायसनीय सांद्र	आईएस 04323 : 80
9.	6234358	2000/09	मै. बुम्मिडि बंमारु ज्वेलरीज, 603, अन्ना सलाई चेन्नई 600 006	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417 : 99
10.	6234459	2000/09	मै. भास्कर एग्रो केमिकल्स लि., 94/1, तूफानपेट गांव, चौदुपल्ली मंडल, नलगौडा जिला	एसीफेट एसपी	आईएस 12916 : 90
11.	6234560	2000/09	मै. हैदराबाद केमिकल सप्लाय लि., ए-24/25, एपीआईई, बालानगर, हैदराबाद 500 037	ईथियॉन पायसनीय सांद्र	आईएस 10319 : 82
12.	6234661	2000/09	मै. चैन्ना इरिगेशन बेल्लूर नगमंगलम तालुक, मंड्या जिला कर्नाटक 571 418	सिंचाई उपस्कर—सिंचाई लैटरल्स	आईएस 12786 : 89
13.	6234762	2000/09	मै. अल्लुकास ज्वेलरी राउंड ईस्ट, त्रिस्सूर 680 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी, शुद्धता एवं मुहरांकन	आईएस 01417 : 99
14.	6234863	2000/09	मै. आर्ग्रा प्लास्ट प्राइवेट लि., एफ-72, सिपकोट इंड. कॉम्प्लेक्स, गुम्मीडिपोडि 601 201	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीवीसी पाइप	आईएस 04985 : 88

(1)	(2)	(3)	(4)	(5)	(6)
15.	6234964	2000/09	मै. बुरई पीवीसी पाइप नं. 27, 28, सिडको इंड. एस्टेट पेट्टल, तिरुनेलवली-627 010	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीवीसी पाइप	आईएस 04985 : 88
16.	6235057	2000/09	मै. हैदराबाद केमीकल प्रॉडक्ट्स लि., प्लॉट नं. 60 और 61, आईडीए, पश्चिमईलरम, मेडक जिला-502 307	कार्बोप्यूरान कपिकाओं, संपुटित	आईएस 09360 : 80
17.	6235158	2000/09	मै. हैदराबाद केमीकल प्रॉडक्ट्स लि., प्लॉट नं. 60 और 61, आईडीए, पश्चिमईलरम, मेडक जिला-502 307	क्विनालफास पायसनीय सांद्र	आईएस 08028 : 87
18.	6235259	2000/09	मै. हैदराबाद केमीकल प्रॉडक्ट्स लि., प्लॉट नं. 60-61, आईडीए, पश्चिमईलरम,	ईथिक्वान पायसनीय सांद्र	आईएस 10319 : 82
19.	6235360	2000/09	मै. ज्वेल्स डि पैरागान प्रा. लि., रतनाम्स कॉम्प्लेक्स, नं. 10/5, कस्तुरबा रोड, सम्मुख—महात्मा गांधी पार्क, बंगलौर-560 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी, शुद्धता एवं मुहरांकन	आईएस 01417 : 99
20.	6235461	2000/09	मै. लाइट कटेनर्स प्रा. लि., बी-56, सिपकोट इंड. कॉम्प्लेक्स, गुम्मीडिपोंडी-601 201	अल्पदाब द्रवणीय गैसों के लिए 5-लीटर से अधिक जलक्षमता वाले बेल्डित अल्प कार्बन इस्पात सिलिंडर भाग 1 एलपीजी सिलिंडर	आईएस 03196 : 92 भाग 01
21.	6235562	2000/09	मै. रग्मि इंडस्ट्रीज, नं. 60/61 होंगसांद्रा, बंगलौर-560 068	सौर सपाट पट्टिका संग्राहक भाग 1 अपेक्षाएं	आईएस 12933 : 92 भाग 01
22.	6235663	2000/09	मै. श्री गौरी शंकर इंजीनियरिंग वर्क्स, नं. 40, इंडस्ट्रियल एस्टेट, मुल्तानाबाद, तेनाली-522 202	जेट अपकेन्द्री पम्प	आईएस 12225 : 97
23.	6235764	2000/09	मै. सिल्वन एग्रो इंडस्ट्री, प्लॉट नं. 160/ए, आईडीए, मल्लापुर, रंगारेड्डी जिला हैदराबाद- 500 076	जिक सल्फेट हेक्टाहाईड्रेड, कृषि ग्रेड	आईएस 08249 : 94
24.	6235865	2000/09	मै. सुजाता एग्रो इक्विपमेंट्स ( प्रा ) लि., 3 ए 2, 3 ए 3, के. के. पुडूर रोड, वेलन्दिपलायम, कोम्यबतूर 641 025	फसल संरक्षण उपस्कर हस्तचालित पीठ पर लादा जाने वाला संपीड़न फुहरा, पिम्पटन टाइप	आईएस 03906 : 95
25.	6235966	2000/09	मै. जगदम्बा इंजीनियरिंग प्रा. लि., प्लॉट नं. 41, एमवीसीआई एस्टेट, फेस 2, आईडीए, जीडिमेतला, हैदराबाद-500 855	अल्पदाब द्रवणीय गैसों के लिए 5- लीटर से अधिक जलक्षमता वाले बेल्डित अल्पकार्बन इस्पात सिलिंडर	आईएस 03196 : 92 भाग 01

(1)	(2)	(3)	(4)	(5)	(6)
26.	6236059	2000/09	मै. लक्ष्मी एग्री केमीकल्स प्रा. लि., लिंगारेड्डीगुडा (वी) शादनगर तालुक, फारुकनगर मंडल, महबूबनगर जिला	साइपरमेथ्रीन, ईंगी	आईएस 12016 : 87
27.	6236160	2000/09	मै. सनलाईट बोर्ड (प्रा) लि., एपी 4-685 ए और बी, मिलरोड, अजीक्कोडे पंचायत, बलपटनम पोस्ट, कन्नूर 670010	सामान्य प्रयोजन हेतु प्लाईवुड	आईएस 00303 : 89
28.	6236261	2000/09	मै. श्रीमाली फिक्सचर्स, एसएफ नं. 462, नरसिंहपुरम रोड, थोडामुन्नूर गांव, कोयम्बतूर 641019	फ्लोरोसेंट लैम्पों के लिए बैलास्ट (चौक) भाग 1 स्विचचालित परिपथी हेतु	आईएस 01534 : 77 भाग 01
29.	6236362	2000/09	मै. थामसन रबड्स, XIV/165 ए, कुरवामुल्ली, इरुमेली,	अमोनिया परिरक्षित प्राकृतिक रबड का सांद्र लैटेक्स	आईएस 05430 : 81
30.	6236463	2000/09	मै. साहित स्टील ट्यूब्स (प्रा) लि., प्लॉट नं. 57, केआईएबीबी एरिया, मलूर कोलार जिला कर्नाटक 563 103	यांत्रिक और सामान्य प्रयोजनों के लिए इस्पात के पाइप	आईएस 03601 : 84
31.	6236564	2000/10	मै. रोमेगा फॉम प्रा. लि., 36, बैनल रोड, कुडापक्कम गांव, विल्लियनूर, पांडिचेरी 650110	घरेलू गद्दों के लिए नम्य यूरोधिन फॉम	आईएस 07933 : 75
32.	6236665	2000/10	मै. अरविन्द प्लास्टिक्स, प्लॉट नं. जे 1, (साउदर्न पार्ट) सिपकोट इंडस्ट्रियल एस्टेट, पेरुदुरई इरोड जिला 638052	सिचार्ड उपस्कर-सिचार्ड लैंटरलस	आईएस 12786 : 89
33.	6236766	2000/10	मै. साउदर्न प्लास्त्रर्स एंड कलर्स प्रा. लि., 5 विनयगाम एवेन्यू, वेंकटेश नगर, विरुगमबक्कम, चेन्नई 600092	संश्लिष्ट खाद्य रंग-निमित्तियां और मिश्रण	आईएस 05346 : 94
34.	6236867	2000/10	मै. क्लासिक ट्यूब्स, 1/556 कलिकल्लूर पंचायत, चन्दमथोप, पी. ओ. कोल्लम केरल राज्य 691 014	विद्युत संस्थापन के लिए कंड्यूट भाग 3 कंड्यूट विद्युत रोधक सामग्री के लिए दूढ़ सांद्र कंड्यूट	आईएस 09537 : 83 भाग 03
35.	6236968	2000/10	मै. सिरिस इंडिया लि., गुम्मीडिडला गांव, नरसपुर तालुक मेडक जिला, ए. पी. 502313	क्लोराइड रिफास, तकनीकी	आईएस 08963 : 78
36.	6237061	2000/10	मै. नागार्जुन एग्रीकेम लि., प्लॉट नं. 177, अरिनामअर्कीवाल्सा पी. ओ. अल्पिनगरम, समीप—चिक्कापलेम जंक्शन, श्रीकाकुलम, इचेरला मंडी 532 483	एसीफेट, तकनीकी	आईएस 12915 : 90

(1)	(2)	(3)	(4)	(5)	(6)
37. 6237162	2000/10	मै. नागार्जुन एप्रीकेम लि., प्लॉट नं. 177, अरिनाम अधिकवालसा पी. ओ. अल्लिनगम जंक्शन, श्रीकाकुलम, 532483	मानोक्रोटोफॉस, तकनीकी	आईएस 08025 : 90	
38. 6237263	2000/10	मै. यूनिवर्सल पेस्टोकेम इंडस्ट्रीज (इं.) लि., एस. नं. 12, गड्डापथरम गांव, जिन्नारम मंडल, मेडक जिला	डाइमियोएट पायसनीय सांद्र	आईएस 03903 : 84	
39. 6237364	2000/10	मै. यूनिवर्सल पेस्टोकेम इंडस्ट्रीज (इं) लि., ए. नं. 12, गड्डापथरम गांव, जिन्नारम मंडल, मेडक जिला	ईथियोन पायसनीय सांद्र	आईएस 10319 : 82	
40. 6237465	2000/10	मै. विजयलक्ष्मी इन्स्टेंट एंड पेस्टीसाइड्स (डिवीजन-नागार्जुन फाइनैस लि.) एस. नं. 1710-1711, अधिरैडुगुडारोड, नन्दीगाम, कोथूर मंडल, मेहबूबनगर जिला 509223	कोटनाशक—फोरेट जी संपुटित	आईएस 09359 : 95	
41. 6237566	2000/10	मै. एलका कार्बन्स लॉरियन प्राइवेट लि., 5, बुम्मासान्द्रा इंड. एरिया, बंगलौर, बंगलौर 562158	विद्युत मशीनरी हेतु बुझ सामग्री	आईएस 13584 : 93	
42. 6237667	2000/10	मै. रेकिय एंड कॉल्मन ऑफ इंडिया लि., 176, सिपकोट इंड. कॉम्प्लेक्स, हुसूर 635 126	एलीथिन-मच्छर भगाने वाली मैट	आईएस 13439 : 92	
43. 6237768	2000/10	मै. खजाना ज्वेलरी ( मद्रास ) प्रा. लि., नं. 36, केथेड्रल रोड, चेन्नई 600086	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417 : 99	
44. 6237869	2000/10	मै. अगस्त्य एप्रो लिमिटेड एस. नं. 47, मुराहरिपल्ली, आर. आर. जिला 5000014	साइपरमेथ्रीन, ईसी	आईएस 12016 : 87	
45. 6237970	2000/10	मै. पसुरा केमीकल्स लि., 611 और 612, पन्थंगी गांव, चौटुप्पल मंडल 508 252	कॉपर ऑक्सीक्लोराइड, तकनीकी	आईएस 1486 : 78	
46. 6238063	2000/10	मै. पसुरा केमीकल्स लि., 611 और 612, पन्थंगी गांव, चौटुप्पल मंडल 508 252	कॉपर ऑक्सीक्लोराइड जल परिक्षेपणीय चूर्ण सांद्र	आईएस 01507 : 77	

1	2	3	4	5	6
47. 6238164	2000/10	मै. हैदराबाद केमिकल्स सप्लाय लि., ए-24/25, एपीआईई, बालानगर, हैदराबाद 500 037	व्यूटाक्लोर पायसनीय सांद्र	आईएस 09356	80
48. 6238265	2000/10	मै. हैदराबाद केमिकल्स सप्लाय लि., ए-24/25, एपीआईई, बालानगर, हैदराबाद 500037	आक्सिडीमिटॉन पायसनीय सांद्र	आईएस 08259	76
49. 6238366	2000/10	मै. नागार्जुन एग्रीकेम लि., प्लॉट नं. 177, अरिनामा अक्किवालसा पी.ओ. अल्लिनगरम, जक्कांत, श्रीकाकुलम 532 403	डाईक्लोरवाॅस, तकनीकी	आईएस 04929	78
50. 6238467	2000/10	मै. कल्याण ज्वेलर्स, दीपांजलि वॉलेस रोड, त्रिवूर शहर 680 020	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417	99
51. 6238568	2000/10	मै. पाडवी इंजीनियर्स एंड प्रेशर व्हिस्ल्स लि., 70/2, 70/3, ए-बी बुधिलाल गांव नीलमंगला तालुक, बंगलौर जिला	अल्पदाव द्रवणीय गैसों के लिए 5 लिटर से अधिक जलक्षमता वाले बेलिडत अल्पकार्बन इस्पात सिलिंडर भाग 1 एलपीजी सिलिंडर	आईएस 03196	92 भाग 01
52. 6238669	2000/10	मै. बुम्मिडी बांगरु चेट्टी एंड संस जी-3/ए, स्पेंसर्स प्लाजा, 769, अन्ना सलई, चेन्नई 600 002	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417	99
53. 6238770	2000/10	मै. सागर सीमेंट्स लिमिटेड वाय्यवरम गांव, कोसिमकोटा मंडल विनाखापटनम जिला	पोर्टलैंड धातुमल सीमेंट	आईएस 00455	89
54. 6238871	2000/10	मै. विशाल आयरन स्टील प्लॉट नं. 129/141 उधमबाग बेलगाम 590 008	जल, गैस, सीवर के लिए क्षैतिज ढले लोहे के दोहरे फ्लैज युक्त पाइप	आईएस 07181	86
55. 6238972	2000/10	मै. ई.आई.डी. पेरी (इंडिया) लि., रानीपेट 632 401	कीटनाशक—बेनोमाइल, डब्ल्यूपी	आईएस 13787	93
56. 6239065	2000/10	मै. इन्टेक्ट इंजीनियरिंग कं., साईट नं. 2, श्री लक्ष्मी नगर, थाप्पिरपण्डल 2, बी आर पुरम, पीलामेट्ट, कोयम्बतूर 641 004	एक फेज लघु ए.सी. और साविक बिजली की मोटर	आईएस 00996	75

New Delhi, the 1st February, 2001

S O. 301.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

## SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/ Month)	Name & Address (Factory) of the Party	Title of the Standard	IS Part No.	Sec. Year
1	2	3	4	5	6	
1.	6233558	2000/09	M/s. Kirtilal Kalidas & Co., 601, Raja Street, Coimbatore—641 001.	Gold and gold alloys, jewellery/ artefacts—fineness and marking —Specification.	01417	99
2.	6233659	2000/09	M/s. Amaravathi Pipes, Trichy Main Road, Sanapretti, R.S (East);, Vellalapatti Post, Karur District, Karur, Tamil Nadu—639 004.	Precast concrete pipes (with and without reinforcement).	00458	88
3.	6233760	2000/09	M/s. Larsen & Toubro Limited, AP Cement Works, Phogasamudram Village, Tadpatri Mandal, Ananthapur District, A.P.—515 415.	Portland slag cement.	00455	89
4.	6233861	2000/09	M/s. Nagarjuna Polymers, 206/8 and 9, IDA, Phase II, Cherlapally, R.R. District.	Unplasticised PVC pipes for potable water supplies.	04984	95
5.	6233962	2000/09	M/s. Vantech Industry Ltd., IDA, Kazipally, Jinnaram Mandal, Medak District—502 319.	Chlorpyrifos, technical.	08963	78
6.	6234055	2000/09	M/s. Vantech Industry Ltd., IDA Kazipally, Jinnaram Mandal, Medak District—502 319.	Butachlor, technical.	09355	80
7.	6234156	2000/09	M/s. Vantech Industry Ltd., IDA, Kazipally, Jinnaram Mandal, Medak District—502 319.	Butachlor emulsifiable concen- trates.	09356	80
8.	6234257	2000/09	M/s. Vantech Industry Ltd., IDA, Kazipally, Jinnaram Mandal, Medak District—502 319.	Endosulfan emulsifiable concen- trates.	04323	80

1	2	3	4	5	6
9.	6234358	2000/09	M/s. Vummidi Bangaru Jewellers, 603, Anna Salai, Chennai—600 006.	Gold and gold alloys, Jewellery/ artefacts—fineness and marking —Specification.	01417 9
10.	6234459	2000/09	M/s. Bhaskara Agro Chemicals Ltd., 94/1, Toophranpet Village, Choutuppal Mandal, Nalgonda District.	Accphate SP.	12916 90
11.	6234560	2000/09	M/s. Hyderabad Chemical Supplies Ltd., A-24/25, APIE, Balanagar, Hyderabad—500 037.	Ethion, emusifiable concentrate.	10319 82
12.	6234661	2000/09	M/s. Chaitra Irrigations, Bellur Nagamangala Taluk, Mandya District, Karnataka—571 418.	Irrigation equipment—polye- thylene pipes for irrigation laterals.	12786 89
13.	6234762	2000/09	M/s. Alukkas Jewellery, Round East, Thrissur—680 001.	Gold and gold alloys, jewellery/ artefacts—fineness and marking —Specification.	01417 99
14.	6234863	2000/09	M/s. Arya Plast Private Ltd, F-72, SIPCOT Indl. Complex, Gummidipoondi—601 201.	PVC pipes for potable water supplies.	04985 88
15.	6234964	2000/09	M/s. Duraj PVC Pipe, No. 27, 28, SIDCO Indl. Estate, Pettai, Tirunelveli—627 010.	PVC pipes for potable water supplies.	04985 88
16.	6235057	2000/09	M/s. Hyderabad Chemical Products Ltd., Plot No. 60 & 61, IDA, Pashamylaram, Medak District—502 307.	Carboruran granules, encapsuled.	09360 80
17.	6235158	2000/09	M/s. Hyderabad Chemical Products Ltd., Plot No. 60 & 61, IDA, Pashamylaram, Medak District—502 307.	Quinalphos emulsifiable concen- trate.	08028 87
18.	6235259	2000/09	M/s. Hyderabad Chemical Product Ltd., Plot No. 60 & 61, IDA, Pashamylaram, Medak District—502 307.	Ethion emulsifiable concentrate.	10319 82
19.	235360	2000/09	M/s. Jewels De Paragon Pvt. Ltd., Rathnams Complex, No. 10/5, Kasturba Road, Opp. Mahatma Gandhi Park, Bangalore—560 001.	Gold and gold alloys, jewellery/ artefacts—fineness and marking —Specification.	01417 99



1	2	3	4	5	6
20. 6235461	2000/09	M/s. Lite Containers Pvt. Ltd., B-56, SIPCOT Indl. Complex, Gummidipoondi—601 201.	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquefiable gases : Part 1 Cylinders for liquefied petroleum gas (LPG).	03196 01	92
21. 6235562	2000/09	M/s. Rashmi Industries, No. 60/61, Hongasandra, Bangalore—560 068.	Solar flat plate collector : Part 1 Requirements.	12933 01	92
22. 6235663	2000/09	M/s. Sri Gowri Sankar Engineering Works, No. 40, Industrial Estate, Sultanabad, Tenali—522 202.	Centrifugal jet pump.	12225	97
23. 6235764	2000/09	M/s. Sylvan Agro Industry, Plot No. 160/A, IDA, Mallapur, Ranga Reddy District, Hyderabad—500 076.	Zinc sulphate, heptahydrate, agricultural grade.	08249	94
24. 6235865	2000/09	M/s. Sujatha Agro Equipments (P) Ltd., 3A2, 3A3, K.K. Pudur Road, Velandipalayam Coimbatore—641025	Crop protection equipment hand- operated knapsack sprayer piston type.	03906	95
25. 6235966	2000/09	M/s. Jagadamba Engineering Pvt. Ltd., Plot No. 41, SVCI Estate, Phase II, IDA, Jeedimetla, Hyderabad—500 855.	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquefiable (LPG).	03196 01	92
26. 6236059	2000/09	M/s. Lakshmi Agro Chemicals Pvt. Ltd., Lingareddyguda (V), Shadnagar Tq., Farooqnagar (M), Mahaboobnagar District.	Cypermethrin, EC	12016	87
27. 6236160	2000/09	M/s. Sunlight Boards (P) Ltd., AP IV-685 A& B, Mill Road, Azheekkode Panchayat, Valapattanam P.O., Kannur-670 010.	Plywood for general purposes	00303	89
28. 6236261	2000/09	M/s. Shrimali Fixtures, SF No. 462, Narsipuram Road, Thondamuthur Village, Thondamuthur Block, Coimbatore-641 109.	Ballasts for fluorescent lamps : Part 1 for switch start circuits	01534 01	77
29. 6236362	2000/09	M/s. Thomson Rubbers, XIV/165 A, Kurvamoozhy, Erumely.	Ammonia preserved concentrated natural rubber latex	05430	81

1	2	3	4	5	6
30.	6936463	2000/09	M/s. Sahij, Steel, Tubes (P) Ltd., Steel tubes for mechanical and Plot No. 57, Kiadb Area Malur, general engineering purposes Kolar District, Karnataka-563 103.	03601	84
31.	6236564	2000/10	M/s. Romega Foam P. Ltd., Flexible polyurethane foam for 36, Canal Road, domestic mattresses Kudapakkam Village, Villianur, [ Pondicherry-605 110.	07933	75
32.	6236665	2000/10	M/s. Arvind Plastics, Irrigation equipment—polyethylene Plot No. J1 (Southern Part), pipes for irrigation laterals Sipcot Industrial Estate, Perundurai, Erode District-638 052.	12786	89
33.	6236766	2000/10	M/s. Southern Flavours and Synthetic food colour—preparations Colours Pvt. Limited, and mixtures 5, Vinayagam Avenue, Venkatesh Nagar, Virugambakkam, Chennai-600 092.	05346	94
34.	6236867	2000/10	M/s. Classic Tubes, Conduits for electrical installa- 1/556, Killikallur Panchayat, tions : Part 3 Rigid plain con- Chandanthope P.O., Kollam, duits of insulating materials. Kerala State-691 014.	09537 03	83
35.	6236968	2000/10	M/s. Siris India Ltd., Chlorpyrifos, technical Gummadidala Village, Naraspur Taluk, Medak District A.P.-502 313.	08963	78
36.	6237061	2000/10	M/s. Nagarjuna Agri Chem Ltd., Acephate, technical Plot No. 177, Arinama Akkivalasa P.O. Allinagaram, Near Chikkapalem Junction, Srikakulam, Etcherla Mandal-532 483.	12915	90
37.	6237162	2000/10	M/s. Nagarjuna Agri Chem Ltd., Monocrotophos, technical Plot No. 177, Arinama Akkivalasa P.O. Allinagaram, Near Chikkapalem Junction, Srikakulam, Etcherla Mandal-532 483.	08025	90

1	2	3	4	5	6
38. 6237263	2000/10	M/s. Universal Pestochem Industries (I) Ltd., S. No. 12, Gaddapotharam Village, Jinnaram Mandal, Medak District.	Dimethoate emulsifiable concentrates	03903	84
39. 6237364	2000/10	M/s. Universal Pestochem Industries (I) Ltd., S. No. 12, Gaddapotharam Village Jinnaram Mandal, Medak District.	Ethion' emulsifiable concentrate	10319	82
40. 6237465	2000/10	M/s. Vijayalakshmi Insect. & Pesticides, (A Division of Nagarjuna Finance Ltd.), S. No. 1710 & 1711, Anthireddyguda Road, Nandigam, Kothur Mandal, Mahboobnagar District-509 223.	Pesticide—phorate G, encapsulated	09359	95
41. 6237566	2000/10	M/s. Elca Carbons Lorraine Private Ltd., 5, Bommasandra Indl., Area, Bangalore-562 158.	Bush materials for electrical machinery	13584	93
42. 6237667	2000/10	M/s. Reckitt & Colman of India Ltd. 176, SIPCOT Indl. Complex, Hosur-635 126.	Mosquito repellent mats	13439	92
43. 6237768	2000/10	M/s. Khazana Jewellery (Madras) Pvt. Ltd., No. 36, Cathedral Road, Chennai-600 086.	Gold and gold alloys, jewellery/ artefacts—fineness and marking—Specification	01417	99
44. 6237869	2000/10	M/s. Agastya Agro Limited, S. No. 47, Muraharipally, R. R. District. 500014.	Cypermethrin, EC	12016	87
45. 6237970	2000/10	M/s. Pasura Chemicals Ltd., 611 & 612, Panthangi Village, Choutuppal Mandal-508 252.	Copper oxychloride, technical	01486	78
46. 6238063	2000/10	M/s. Pasura Chemicals Ltd., 611 & 612, Panthangi Village, Choutuppal Mandal,-508 252.	Coper oxychloride water dispersible powder concentrates	01507	77

1	2	3	4	5	7	8	9
47.	6238164	2000/10	M/s. Hyderabad Chemical Supplies Ltd., A-24/25, Apie Balanagar, Hyderabad-500 037.	Butachlor emulsifiable concentrates	09356		80
48.	6238265	2000/10	M/s. Hyderabad Chemical Supplies Ltd. A-24/25, Apie Balanagar, Hyderabad-500 037.	Oxydemeton-methyl emulsifiable concentrates	08259		76
49.	6238366	2000/10	M/s. Nagarjuna Agrichem Ltd. Plot No. 177 Arinama Akkivalasa P.O.Allinagaram Near Chikapalem Junction, Etcherla Mandal, Srikakulam-532 403.	Dichlorvos, technical	04929		78
50.	6238467	2000/10	M/s. Kalyan Jewellers, Deepanjali, Palace Road, Trichur City-680 020.	Gold and gold alloys, jewellery/ artefacts—fineness and marking —Specification	01417		99
51.	6238568	2000/10	M/s. Padavi Engineers & Pressure Vessels Ltd., 70/2, 70/3, A&B Budhihal Vill. Neelamangala Taluk, Bangalore District.	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquefiable gases; Part 1 Cylinders for liquefied petroleum gas (LPG)	03196	01	92
52.	6238669	2000/10	M/s. Vummidi Bangaru Chetty & Sons. G-3/A, Spencers Plaza, 769, Anna Salai, Chennai-600 002.	Gold and gold alloys, jewellery/ artefacts—fineness and marking —Specification	01417		99
53.	6238770	2000/10	M/s. Sagar Cements Limited, Bayyavaram Village, Kasimkota Madal, Visakhapatnam District.	Portland slag cement	00455		89
54.	6238871	2000/10	M/s. Vishal Iron Steel, Plot No. 129/141, Udyambag, Belgaum-590 008.	Horizontally cast iron double flanged pipes for water, gas and sewage	07181		86
55.	6238972	2000/10	M/s. E.I.D. Parry (India) Ltd., Ranipet-632 401.	Pesticide—benomyl WP	13787		93
56.	6239065	2000/10	M/s. Intact Engineering Co., Site No. 2, Sri Lakshmi Nagar, Thanneerpandal II, BR Puram, Peelamedu, Coimbatore-641 004.	Single-phase small ac and universal electric motors	00996		79

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 22 जनवरी, 2001

**का. आ. 302.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स के. के. इन्स्ट्रुमेंट्स, 3 शिवाजी नगर, सावरकुंडला, अमेरली, जिला—गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले स्वतः सूचक, अस्वचालित इलेक्ट्रॉनिक अंकक सुचन सहित तोलन उपकरण (प्लेट फार्म प्रकार के) के मॉडल का, (जिसके ब्रांड का नाम "इलेक्ट्रोस्केल" है) (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन सी/09/2000/159 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) 10 कि. ग्रा. की अधिकतम क्षमता और 50 ग्राम न्यूनतम क्षमता का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) मान 1 ग्राम है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्याकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जन डायोड प्रदर्शक तुलन परिणाम उपदिशित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला वाले ऐसे उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है (एन  $\leq 10,000$ ) तथा जिसका "ई" मान  $1 \times 10$  के,  $2 \times 10$  के और  $5 \times 10$  के है जिसमें घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(29)/98]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विभाग

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

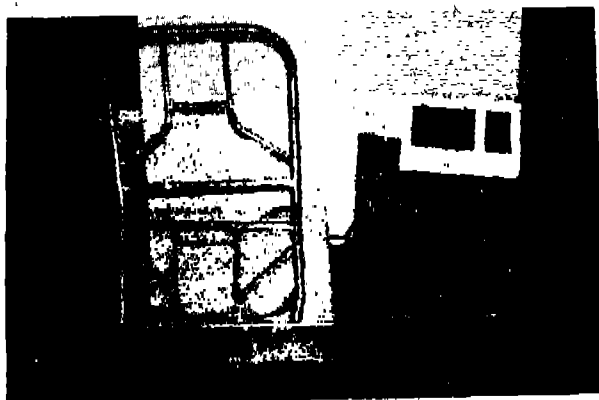
(Department of Consumer Affairs)

New Delhi, the 22nd January, 2001

S. O. 302.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Plat form type) weighing instrument with digital indication of medium accuracy (Accuracy Class III) and with brand name "Electroscale" (hereinafter referred to as the model) manufactured by M/s. K.K. Instruments, 3, Shivaji Nagar, Savarkundla, Amerli District, Gujarat and which is assigned the approval mark IND/09/2000/158;

The said model (see figure) is weighing instrument with a maximum capacity of 50kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum capacity up to 5 tonne with number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$  and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(29)/98]

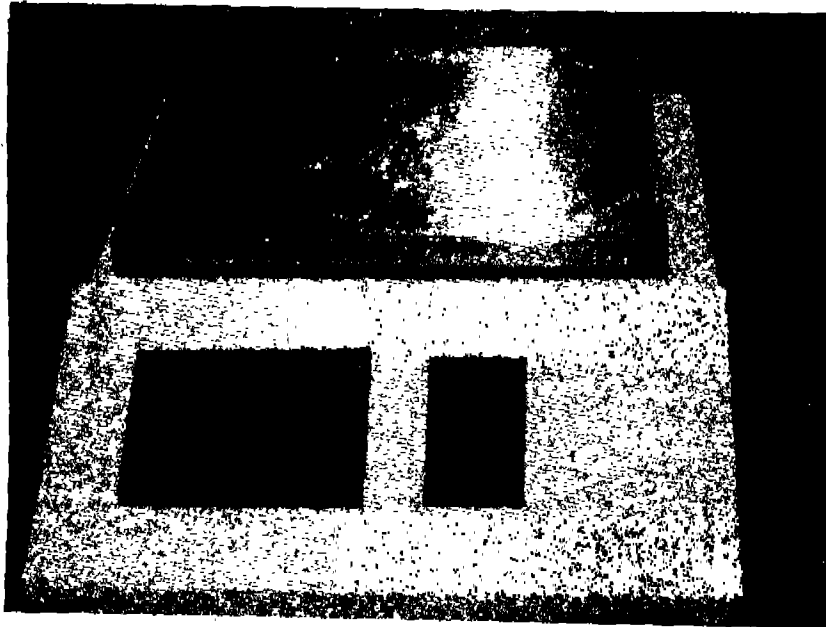
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 22 जनवरी, 2001

**का. आ. 303.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स के. के. इन्स्ट्रुमेंट्स, 3 शिवाजी नगर, सावरकुंडला, अमेरली' जिला गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले स्वतः सूचक, अस्थबालित, इलेक्ट्रॉनिक अंकक सूचक सहित तोलन उपकरण (टेबल टॉप प्रकार के) के मॉडल का, (जिसके ब्रांड का नाम "इलेक्ट्रोस्केल" है) (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/159 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) 10 कि. ग्रा. की अधिकतम क्षमता और 50 ग्राम की न्यूनतम क्षमता का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्याकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जन डायोड प्रदर्श तुलन परिणाम उपदिशित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला वाले ऐसे उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है ( $E \leq 10,000$ ) तथा जिसका "ई" मान  $1 \times 10^{-3}$ ,  $2 \times 10^{-3}$  और  $5 \times 10^{-3}$  है जिसमें धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(29)/98]

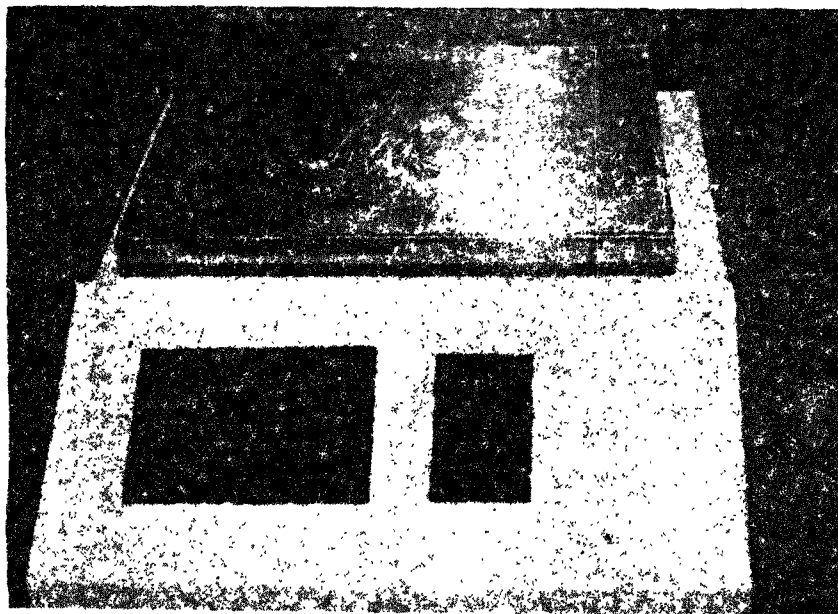
पी० ए० कण्णमर्ति. निदेशक. विधिक माप विज्ञान

New Delhi, the 22nd January, 2001

**S.O. 303.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication of medium accuracy (Accuracy Class II) and with brand name "Electroscale" (hereinafter referred to as the model) manufactured by M/s. K.K. Instruments, 3, Shivaji Nagar, Savarkundla, Amerli District, Gujarat and which is assigned the approval mark IND/09/2000/159;

The said model (see figure given) is weighing instrument with a maximum capacity of 10kg and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of same series with maximum capacity up to 50 kg. with number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(29)/98]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

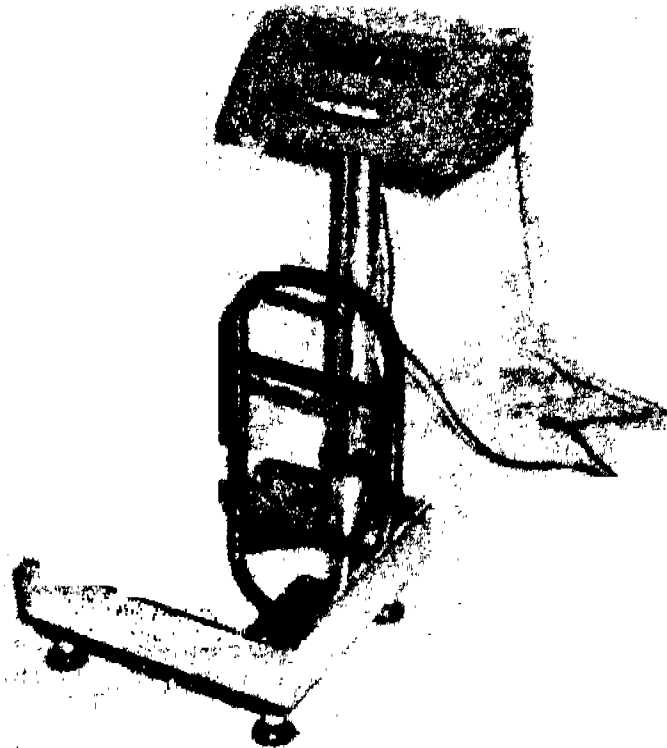


नई दिल्ली, २५ जनवरी, २००१

**का. आ. ३०४.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, १९७६ (१९७६ का ६०) और बाट और माप मानक (माडलों का अनुमोदन) नियम, १९८७ के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा ३६ की उपधारा (७) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नीतिराज इंजीनियर्स प्राइवेट लिमिटेड, भटवाल दाल मिल कम्पाउण्ड, गुरुद्वारा के पीछे, मुंबई-आगरा रोड, धुले-४२४३११ द्वारा विनिर्मित उच्च यथार्थता वर्ग, (यथार्थता वर्ग II) वाले "एन ई पी" श्रृंखला के अंकीय सूचन सहित स्वतः सूचक, अस्वचालित, तोलन उपकरण (मेजतल प्रकार) के माडल का, जिसके ब्रांड का नाम "फोनिकस" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/०९/२०००/१७६ दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) अधिकतम क्षमता ३० किलो ग्राम और न्यूनतम क्षमता १०० ग्रा. का तोलन उपकरण है। सत्यापन मापमान (ई) मान २ ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्याकलनात्मक धारित आद्येतुलन प्रभाव है। भारग्राही वर्गाकार है, जिसकी भुजाएं ३२० × ३२० मि.मी. है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण २३० वोल्ट और ५० हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा ३६ की उपधारा (१२) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता ५० कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या १००,००० से कम या उसके बराबर है (एन ≤ १००,०००) तथा जिसका "ई" मान १×१० के, २×१० के और ५×१० के है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-२१(३८)/२०००]

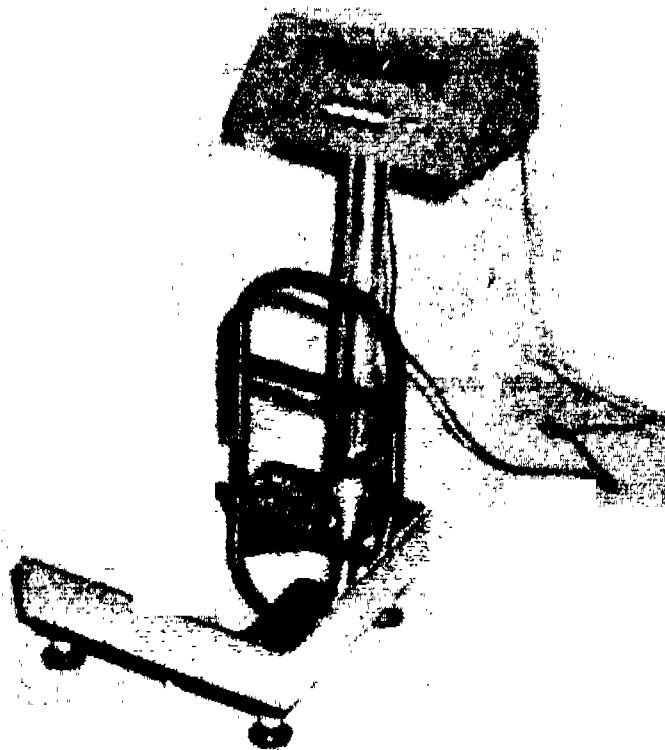
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

**S. O. 304.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (table top type) weighing instrument with digital indication of "NEP" series of High accuracy (Accuracy Class II) and with brand name "Phoenix" (hereinafter referred to as the model) manufactured by M/s Nitiraj Engineers Pvt. Ltd, Bhatwal Dal Mill compound, Behind Gurdwara, Mumbai-Agra Road, Dhule-424311 and which is assigned the approval mark IND/09/2000/176;

The said model (figure given) is a weighing instrument with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square section of side 320×320 millimetre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument similar accuracy and performance of same series with same accuracy class and of same series having maximum capacity up to 50 Kg. and with number of verification scale interval (n) more than or equal to 5000 and less than 1,00,000 ( $5000 \leq n < 100,000$  and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(38)/2000]

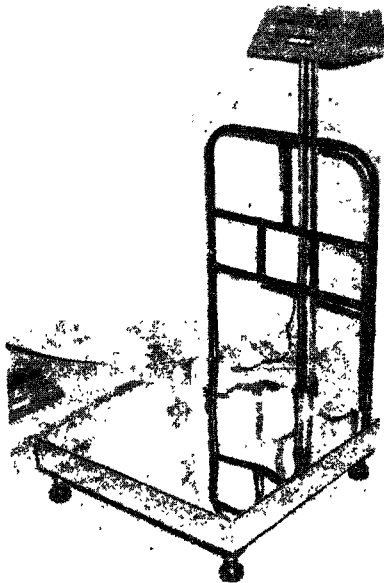
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 जनवरी, 2001

**का. आ. 305.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नितिराज इंजीनियर्स प्राइवेट लिमिटेड, भटवाल दाल मिल कम्पाउण्ड, गुरुद्वारा के पीछे, मुंबई-आगरा रोड, धुले-424311 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "एन ई पी" श्रृंखला के अंकीय सूचन सहित स्वतः सूचक, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/177 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) अधिकतम क्षमता 120 किलो ग्राम और न्यूनतम क्षमता 500 ग्रा. का तोलन उपकरण है। सत्यापन मापमान (ई) मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्याकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है, जिसकी भुजाएं 620 × 620 मि.मी. है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या 100,000 से कम या उसके बराबर है (एन  $\leq 100,000$ ) तथा जिसका "ई" मान  $1 \times 10$  के,  $2 \times 10$  के और  $5 \times 10$  के है, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(38)/2000]

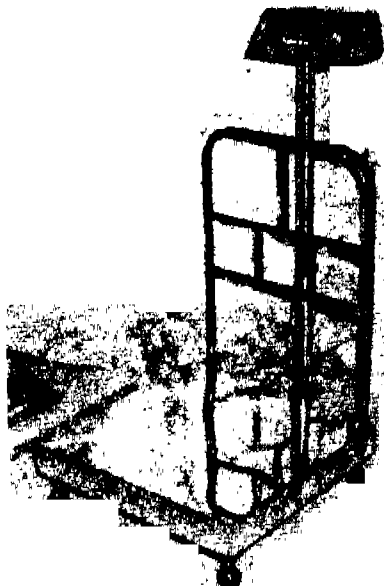
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

S. O. 305.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, (Plat form type) weighing instrument with digital indication of "NEP" series of High accuracy (Accuracy Class II) and with brand name "Phoenix" (hereinafter referred to as the model) manufactured by M/s Nitiraj Engineers Pvt. Ltd, Bhatwal Dal Mill compound, Behind Gurdwara, Mumbai-Agra Road, Dhule-424311 and which is assigned the approval mark IND/09/2000/177;

The said model (figure given) is a weighing instrument with a maximum capacity of 120kg and minimum capacity of 500g. The verification scale interval (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square section of side  $620 \times 620$  millimetre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument similar accuracy and performance of same series with maximum capacity up to 5 tonne with number of verification scale interval (n) less than or equal to 100,000 ( $n \leq 100,000$ ) and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(38)/2000]

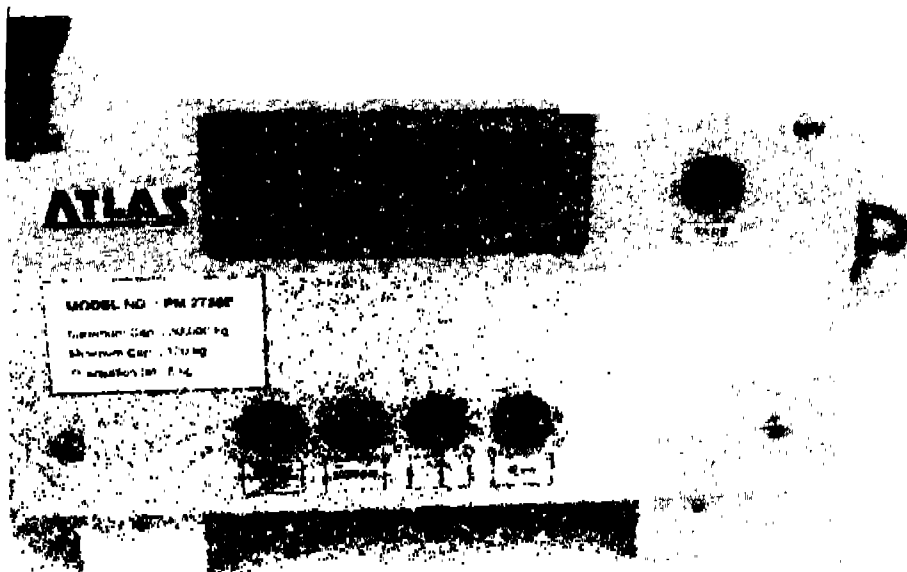
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 अक्टूबर, 2001

**का. आ. 306.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मापक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टी.टी.सी. बेइंग सिस्टम्स प्राइवेट लिमिटेड, 331/1 एन.एस. रोड (कमरा सं. 807) कलकत्ता-700 001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "पी एम 2736 ई" श्रृंखला के स्वतः सूचक, अस्वचालित, इलेक्ट्रॉनिक, अंकक सूचन सहित तोलन उपकरण/मशीन के माडल का, जिसके ब्रांड का नाम "एटलस" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/182 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) अधिकतम क्षमता 30000 किलो ग्राम और न्यूनतम क्षमता 100 किलो ग्राम का तोलन उपकरण है। सत्यापन मापमान (ई) मान 5 किलो ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है (एन  $\leq 10,000$ ) तथा जिसका "ई" मान  $1 \times 10$  के,  $2 \times 10$  के और  $5 \times 10$  के है, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(43)/98]

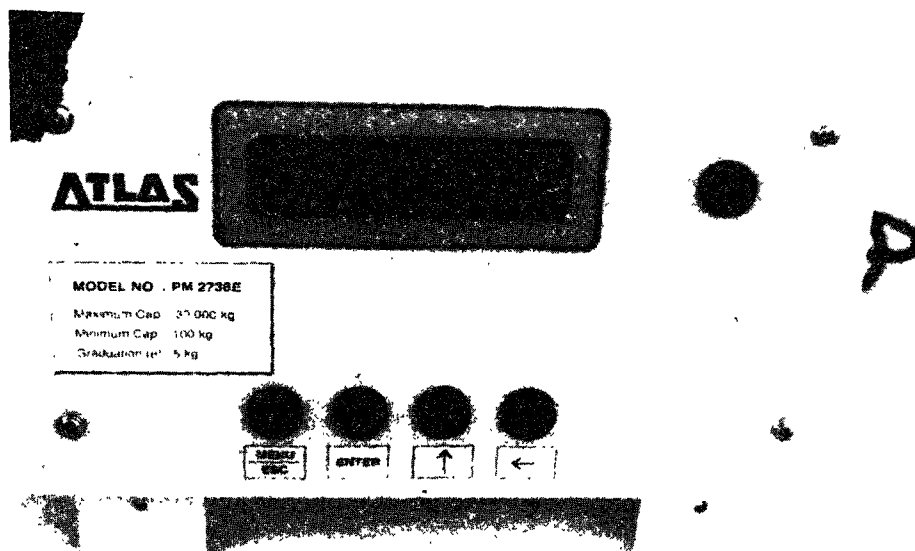
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

**S. O. 306.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Weigh bridge Multi load cell type) weighing instrument with digital indication of 'PM 2736 E' series of Medium accuracy (Accuracy class III) and with brand name "Atlas" (hereinafter referred to as the model) manufactured by M/s T.T.C. Weighing Systems Private Limited, 331/1, N.S. Road (Room No. 807) Calcutta-700 001 and which is assigned the approval mark IND/09/2000/182;

The said model (see figure) is weighing instrument with a maximum capacity of 30,000 kg and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of same accuracy and performance of same series with maximum capacity more than 5 tonne with number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(43)/98]

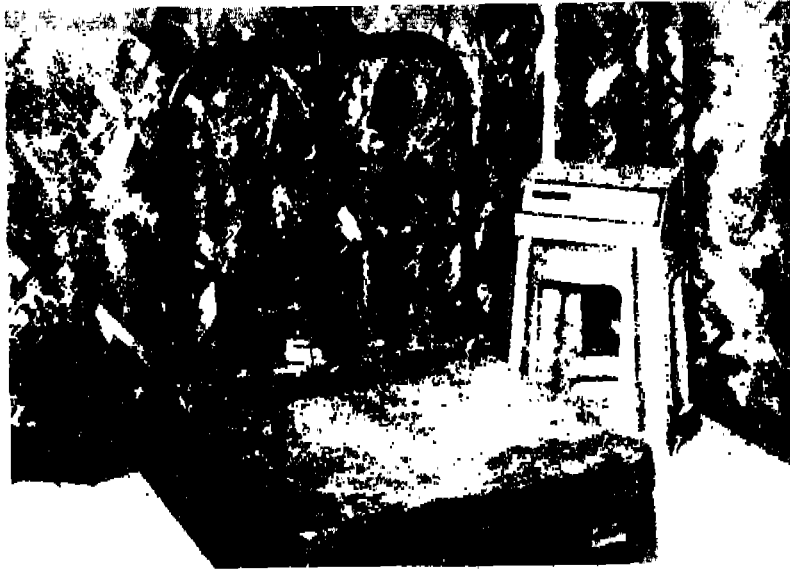
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 25 जनवरी, 2001

**का. आ. 307.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेंसर्स एण्ड सिसटम्स 3, पंचदीप ले-आउट, जय प्रकाश नगर, नागपुर-440025 द्वारा विनिर्मित मध्यम यथार्थता वर्ग, (यथार्थता वर्ग III) वाले "ई डब्ल्यू एच" शृंखला के अंकीय सूचक, सहित अस्वच्छालित तोलन उपकरण (प्लेटफार्म प्रकार की संपरिवर्तनीय किट) के माडल का, जिसके ब्रांड का नाम "ई-वे" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन बिह आई एन डी/09/2000/201 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) जिसकी अधिकतम क्षमता 300 किलोग्राम और न्यूनतम क्षमता 2 किलोग्राम प्लेटफार्म प्रकार की संपरिवर्तनीय किट का तोलन उपकरण है। सत्यापन मापमान (ई) मान 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यावकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार है, जिसकी भुजाएं 630 × 400 मिली मीटर है। द्रव क्रिस्टल डायोड प्रदर्श तोलन परिणाम उपदिशत करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के समान यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की 5 ग्राम या अधिक के लिए "ई" मान 500 से 100 की रेंज में तथा के सहित जिनका "ई" मान 1×10 के, 2×10 के और 5×10 के है जिसमें घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(102)/2000]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

S. O. 307.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (conversion kit for plat form type) weighing instrument with digital indication of "EWH" series of Medium accuracy (Accuracy class III) and with brand name "EI-weigh" (hereinafter referred to as the model) manufactured by M/s Sensors and Systems, 3, Panchdeep lay-out, Jaiprakash Nagar, Nagpur-440025 and which is assigned the approval mark IND/09/2000/201;

The said model (figure given) is a conversion Kit for Platform weighing instrument with a maximum capacity of 3,00 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 630×400 millimetre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument similar accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W M.-21(102)/2000]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

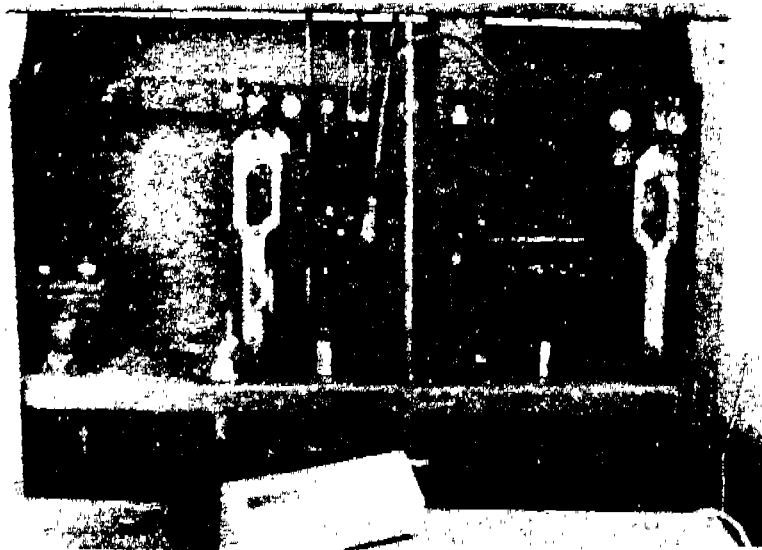


नई दिल्ली, 25 जनवरी, 2001

का. आ. 308.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेंसस एण्ड सिसटम्स, 3, पंचदीप लै-आउट, अय प्रकाश नगर, नागपुर-440025 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ई-वे" शृंखला के अंकीय सूचक सहित, अस्थायितोलन उपकरण (तुला चौकी प्रकार की संपरिवर्तनीय किट) के माडल का, जिसके ब्रांड का नाम "ई-वे" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आर्इ एन डी/09/2000/202 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल (आकृति दी गई है) जिसकी तुला चौकी प्रकार की संपरिवर्तनीय किट है कि अधिकतम क्षमता 30,000 किलोग्राम और न्यूनतम क्षमता 200 किलोग्राम का तोलन उपकरण है। स्थापन मापमान (ई) मान 10 किलोग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार है, जिसकी भुजाएं 9×3 मी. है। द्रव क्रिस्टल डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के समान यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके स्थापन मापमान के अन्तराल (एन) की 5 ग्राम या अधिक के लिए "ई" मान 500 से 10000 तथा के सहित जिनका "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(102)/2000]

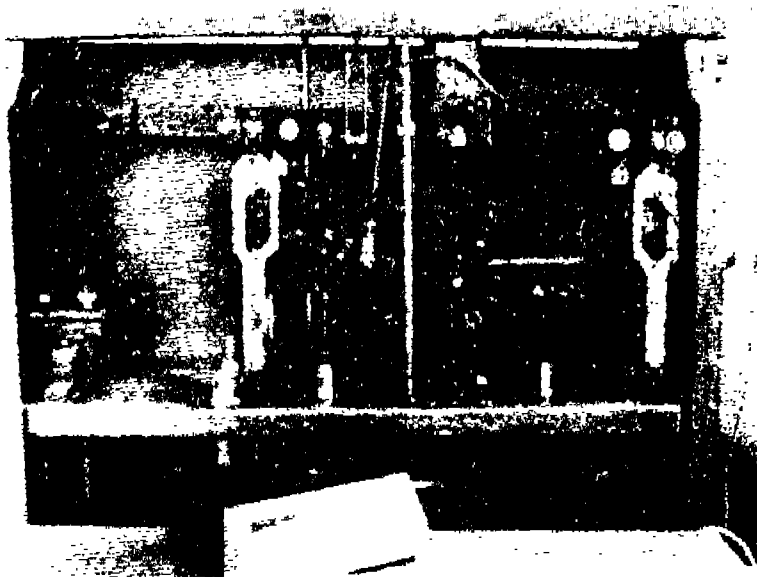
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

**S.O. 308.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic (conversion kit for weigh bridge type) weighing instrument with digital indication of "EI-weigh" series of Medium accuracy (Accuracy class III) and with brand name "EI-weigh" (hereinafter referred to as the model) manufactured by M/s. Sensors and Systems, 3, Panchdeep Lay-out, Jaiprakash Nagar, Nagpur-440025 and which is assigned the approval mark IND/09/2000/202;

The said model (figure given) is a conversion kit type of weigh bridge with a maximum capacity of 30,000 kg and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 9×3 metre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument similar make, accuracy and performance of same series with maximum capacity more than 5 tonne and with number verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model have been manufactured.

[F. No. W.M.-21(102)/2000]

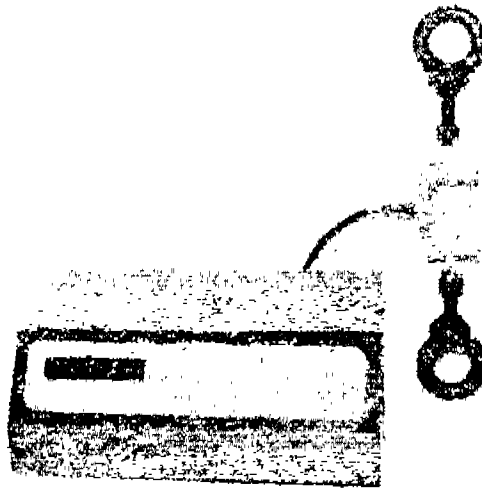
P. A. KRISHNAMOORTHY, Director, of Legal Metrology

नई दिल्ली, 25 जनवरी, 2001

**फा. आ. 309.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेंसर्स एण्ड सिसटम्स 3, पंचदीप ले-आउट, जय प्रकाश नगर, नागपुर-440025 द्वारा विनिर्मित मध्यम चार्जता (यथार्थता वर्ग III) वाले "सी डब्ल्यू" शृंखला के अंकीय सूचक सहित, अस्वच्छालित, गन्ना मापमान बहुभार सेल तोलन उपकरण के माडल का, जिसके ब्रांड का नाम "ई-वे" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन सिद्ध आई एन डी/09/2000/203 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल (आकृति दी गई है) जिसकी अधिकतम क्षमता 10,000 किलोग्राम और न्यूनतम क्षमता 100 किलोग्राम है का गन्ना तोलन उपकरण है। सत्यापन मापमान (ई) मान 5 किलोग्राम है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक और यथार्थता वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) की 5 ग्राम या अधिक के लिए "ई" मान 500 से 10,000 की रेंज में तथा के सहित जिनका "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  और  $5 \times 10^{-6}$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(102)/2000]

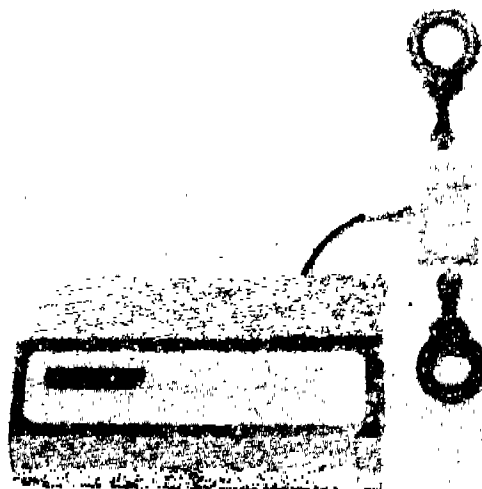
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

S. O. 309.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic (cane scale) (load cell type) weighing instrument with digital indication of "CW" series of Medium accuracy (Accuracy class III) and with brand name "EI-weigh" (hereinafter referred to as the model), manufactured by M/s. Sensors and Systems, 3, Panchdeep Lay-out, Jaiprakash Nagar, Nagpur-440025 and which is assigned the approval mark IND/09/2000/203;

The said model (figure given) is a cane weighing instrument with a maximum capacity of 10,000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity more than 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model have been manufactured.

[F. No. W.M.-21(102)/2000]

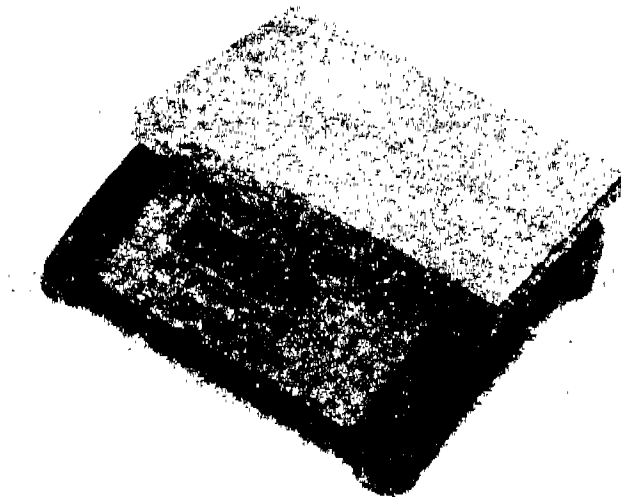
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 25 जनवरी, 2001

का. आ. 310—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मितलर-तोल देव इण्डिया प्राइवेट लिमिटेड, अपर हिल, साकी विहार रोड, पावली मुबई-400072 द्वारा विनिर्मित विशेष यथार्थता, (यथार्थता वर्ग I) वाले "विपर एम बी" शृंखला के अंकीय सूचक सहित, अस्वचारित तोलन उपकरण (मेजतल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "किंग विपर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/209 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) अधिकतम क्षमता 3100 ग्राम और न्यूनतम क्षमता 1 ग्राम का तोलन उपकरण है। सत्यापन मापमान (ई) मान 10 मि. ग्र. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है, जिसकी भुजाएं 165×165 मि.मी. है। द्रव क्रिस्टल डिजिटल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत् प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान का अन्तराल (एन) की न्यूनतम संख्या 50,000 क मिलीग्राम के बराबर या उसके समतुल्य है तथा जिसका "ई" मान 1×10 के, 2×10 के और 5×10 के है, जिसमें क घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(138)/2000]

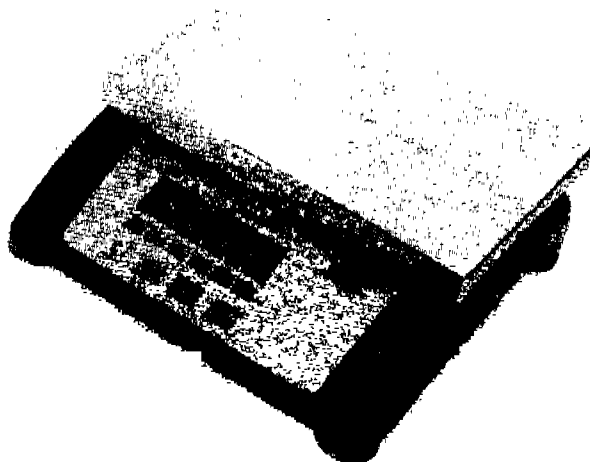
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

**S. O. 310.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the non-automatic, (table top type) weighing instrument with digital indication of "VIPER MB" series of Special accuracy (Accuracy class I) and with brand name "King Viper" (hereinafter referred to as the model), manufactured by M/s. Mettler-Toledo India Private limited, Amar Hill, Saki Vihar Road, Powai Mumbai-400072 and which is assigned the approval mark IND/09/2000/209;

The said model (figure given) is a weighing instrument with a maximum capacity of 3100g and minimum capacity of 1g. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square section side 165×165 millimetre. The liquid crystal diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of same series with maximum capacity up to 50 kg with number of verification scale interval (n) equal or more than 50,000 and with equal or more than 1 mg and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(138)/2000]

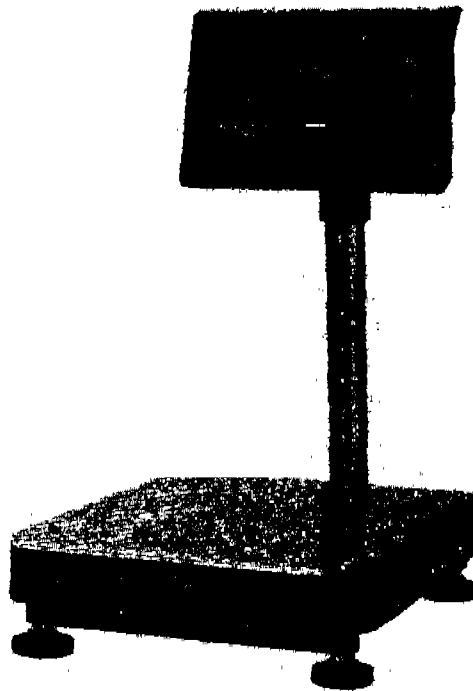
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 जनवरी, 2001

**का. आ. 311**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मित्तलर-तोल देव इण्डिया प्राइवेट लिमिटेड, अपर हिल, साकी विहार रोड, पावली, मुंबई-400072 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यू एल सी” शृंखला के अंकीय सूचन, सहित, अस्पष्टालित, तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम “वाइल्ड कैट” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/210 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति दी गई है) अधिकतम क्षमता 60 किलोग्राम और न्यूनतम क्षमता 200 ग्राम का तोलन उपकरण है। सत्यापन मापमान (ई) मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्रही आयताकार है, जिसकी भुजाएं 300×400 मि.मी. है। द्रव क्रिस्टल डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) की 100 से 10,000 की रेंज में तथा “ई” की मात्रा 100 मिली ग्राम से 2 ग्राम और 500 से 10,000 की रेंज को तथा “ई” की मात्रा 5 ग्राम या अधिक “ई” मान सहित जिनका “ई” मान 1×10 के, 2×10 के और 5×10 के है, जिसमें के बनावटक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(138)/2000]

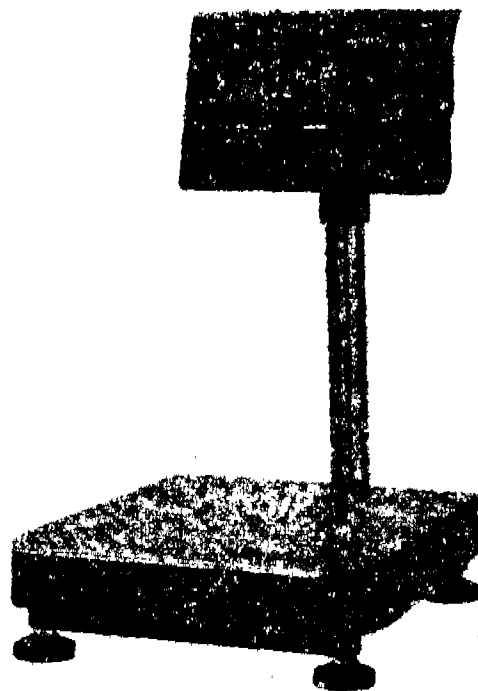
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th January, 2001

**S. O. 311.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the non-automatic, (Platform type) weighing instrument with digital indication of "WLC" series of medium accuracy (Accuracy class III) and with brand name "Wild Cat" (hereinafter referred to as the model), manufactured by M/s Mettler-Toledo India Private Limited, Amar Hill, Saki Vihar Road, Powai Mumbai-400072 and which is assigned the approval mark IND/09/2000/210;

The said model (figure given) is a weighing instrument with a maximum capacity of 60 kg and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section side 300×400 millimetre. The liquid crystal diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of same series with maximum capacity up to 5 tonne with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value 100mg to 2 g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(138)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

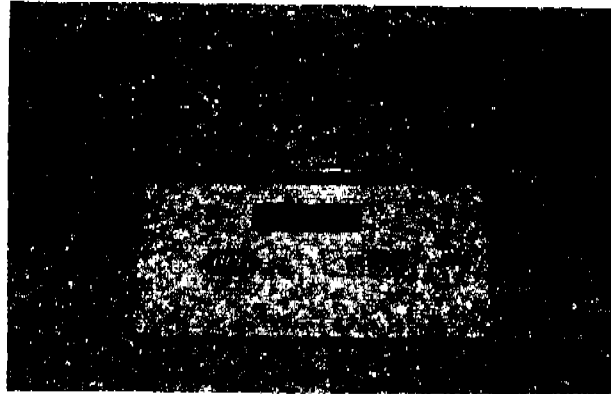


नई दिल्ली, 31 जनवरी, 2001

का. आ. 312.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60), और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता (यथार्थता वर्ग III) वाली "बीपीएल-टीटी" श्रृंखला की अंकक सूचन सहित अस्वचालित, (टेबल टाप प्रकार का) तोलन उपकरण के माडल का, जिसके ब्रांड का नाम 'बी पी एल' है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स बी पी एल इंजीनियर्स, डब्ल्यू-257 डब्ल्यू रोड, एम आई डी सी, भोसारी, पुणे-411026 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/99/166 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) दोहरी रेंज का तोलन उपकरण है, जिसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 20 कि. ग्र. की अधिकतम क्षमता के तत्संबंध में 2 ग्राम और उसके पश्चात् 30 कि.ग्र. की अधिकतम क्षमता तक 5 ग्राम है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के ऐसे तोलन उपकरण भी होंगे जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, जिनकी अधिकतम क्षमता 50 कि. ग्र. तक है और जिसके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर तक है (एन  $\leq 10,000$ ) तथा जिसका "ई" मान  $1 \times 10$  के,  $2 \times 10$  के और  $5 \times 10$  के हैं, के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(125)/99]

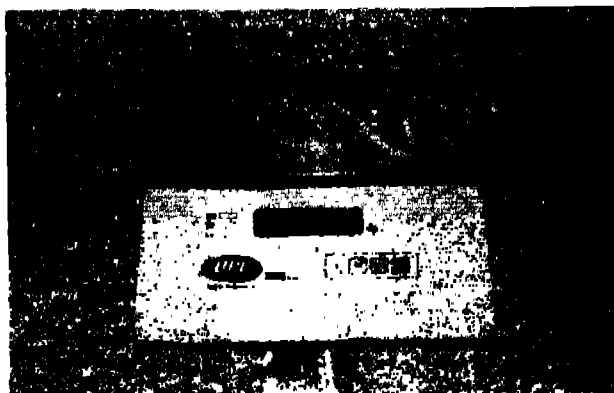
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2001

**S. O. 312.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic, (Table top Type) weighing instrument with digital display of "BPL-TT" series of medium accuracy class (class III Accuracy) and with brand name "BPL" (hereinafter referred to as the model), manufactured by M/s. BPL Engineers, W-257 W Shed, M.I.D.C., Bhosari, Pune-411 026 and which is assigned the approval mark IND/09/99/166;

The said model (see the figure) is a medium accuracy class (Accuracy class III) dual range weighing instrument with a maximum capacity of 30 kg and minimum capacity of 40g. The verification scale interval value (e) is 2g corresponding to maximum capacity 20kg and thereafter 5g upto maximum capacity of 30 kg. The light emitting diode indicates the weighing result. The instrument operates on 230 volts and frequency 50-Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby declares that any similar make, accuracy and performance of same series of maximum capacity up to 30 kg with maximum number of verification scale interval (n) in less than or equal to 10,000 ( $n \leq 10,000$ ) and with the 'e' value to  $1 \times 10^k$ ,  $2 \times 10^k$ , and  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M.-21(125)/99]

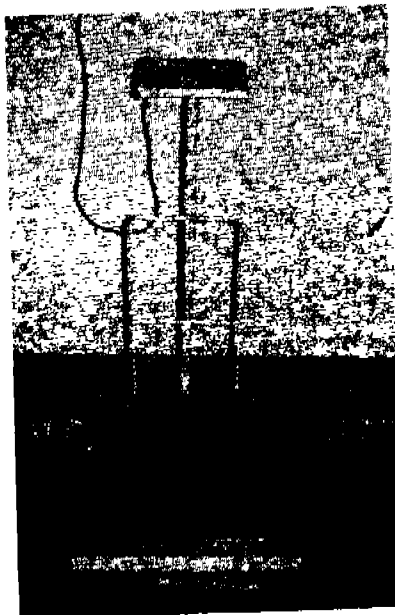
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 31 जनवरी, 2001

**का. आ. 313.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता (यथार्थता वर्ग III) वाली "बीपीएल-पी एस" शृंखला की अस्थायित्व, (अंकीय प्लेट फार्म प्रकार का) तोलन उपकरण के माडल का, जिसके ब्रांड का नाम "बी पी एल" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स बी पी एल इंजीनियर्स, डब्ल्यू-257 डब्ल्यू रोड, एम आई डी सी, भोसारी, पुणे-411026 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/99/167 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) दोहरी रेंज का तोलन उपकरण है जिसकी अधिकतम क्षमता 60 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 50 कि. ग्रा. की अधिकतम क्षमता के तत्संबंध में 5 ग्राम और उसके पश्चात् 60 कि.ग्रा. तक की अधिकतम क्षमता तक 10 ग्राम है। प्रकाश उत्सर्जक डायोड प्रदर्शितोत्तर परिणाम उपदर्शित करता है। उपकरण 230 चोल्ट और 50 हर्ट्ज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के ऐसे तोलन उपकरण भी होंगे जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर तक है (एन  $\leq 10,000$ ) तथा जिसका "ई" मान  $1 \times 10$  के,  $2 \times 10$  के और  $5 \times 10$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा० सं० डब्ल्यू० एम०-21(125)/99 ]

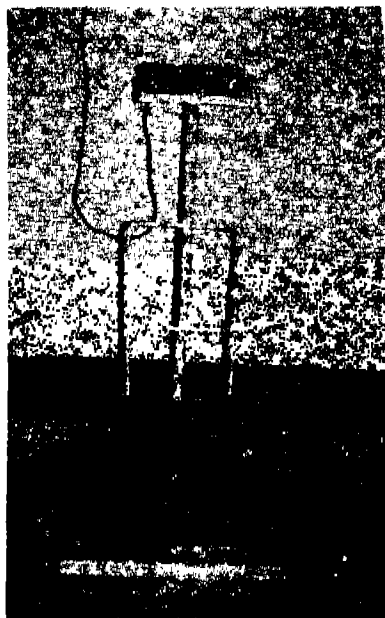
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2001

**S. O. 313.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic, digital, Platform type weighing instrument of "BPL-PS" series of medium accuracy class (Accuracy class III) and with brand name "BPL" (hereinafter referred to as the model), manufactured by M/s BPL Engineers, W-257 W Shed, M.I.D.C., Bhosari, Pune-411 026 and which is assigned the approval mark IND/09/99/167;

The said model (see the figure) is a medium accuracy class (Accuracy class III) dual range weighing instrument with a maximum capacity of 60 kg and minimum capacity of 100g. The verification scale interval value (e) is 5g. corresponding to maximum capacity 50kg and there after 10g upto the maximum capacity of 60 kg. The light emitting diode indicates the weighing result. The instrument operates on 230 volts and frequency 50-Hertz alternate current power supply,



Further, in exercise of the powers conferred by sub-section (12) of section Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) in less than or equal to 10,000 ( $n \leq 10,000$ ) and with the 'e' value to  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M.-21(125)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 फरवरी, 2001

का. आ. 314.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1892, तारीख 18 अगस्त, 2000 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट सी टी एम लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06 सितम्बर 2000 को उपलब्ध करा दी गई थीं :

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि पेट्रोलियम पदार्थों के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त पेट्रोनेट सी टी एम लिमिटेड में निहित होगा।

## अनुसूची

तालूका : मदुरई उत्तर		जिला : मदुरई		राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल			
			हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
सं.54 : चेट्टिक्कुलम्						
	70	1ब	0	02	39	

[सं. आर.-31015/36/2000-ओ आर-1]

एस. चन्द्रशेखर, अपर सचिव

New Delhi, the 9th February, 2001

S. O. 314.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1892 dated the 18<sup>th</sup> August 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu by Petronet CTM Limited.

And whereas, copies of the said notifications were made available to the public on 6<sup>th</sup> September, 2000;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the said land are required for laying of the pipeline for the transport of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Petronet CTM Limited free from all encumbrances.

## SCHEDULE

Taluk : Madurai North		District : Madurai		State : Tamil Nadu	
Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.54 CHETTIKULAM	70	1B	0	02	39

[No.-31015/36/2000 OR I]  
S. CHANDRASEKHAR. Under Secy.

नई दिल्ली, 9 फरवरी, 2001

का. आ. 315.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1890, तारीख 18 अगस्त, 2000 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट सी टी एम लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06 सितम्बर 2000 को उपलब्ध करा दी गई थीं ;

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि पेट्रोलियम पदार्थों के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त पेट्रोनेट सी टी एम लिमिटेड में निहित होगा।

## अनुसूची

जालूसा तिरुचिरापल्ली	जिला : तिरुचिरापल्ली		राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं०	उप-खण्ड सं०	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं० 80/1 कंदलूर	72	1	0	04	50
	72	2	0	04	50
	72	13	0	00	40
	72	3	0	05	80
	72	12	0	00	40
	72	11	0	00	66
	72	10	0	01	35
	72	9	0	00	90
	72	4	0	02	36
	64	1	0	10	80
	19	2	0	09	52
	19	4	0	02	88
	19	5	0	03	24
	19	6	0	02	34
	19	7	0	02	16
	19	8	0	02	88
	63	1	0	11	00
	62	9	0	00	72
	62	10	0	06	60
	62	11	0	08	68
	62	12	0	05	40
	62	13	0	03	96
	62	14	0	04	32
	62	15	0	03	96
	60	1	0	12	60
	60	3	0	08	64
	60	4	0	04	46
सं० 76 सूरियूर	544	9	0	00	40
	544	6	0	00	92
	544	5	0	01	92
	544	4	0	03	24
	544	3 ग	0	01	08



१	२	३	४	५	६
	५४४	३ ख	०	००	४९
	५४४	२	०	०१	१४
	५४४	१ ख	०	०५	०४
	५४४	१ क	०	००	६३
	५४७	१	०	१७	७६
	५४५	१	०	०३	००
	५४५	२	०	००	४०
	७०२	२	०	१५	८४
	६९७	२	०	१०	६६

[स आर.-३१०१५/३६/२०००-ओ आर-१]

एम. अन्देशेखर, अवर सचिव

New Delhi, the 9th February, 2001

S. O. 315.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1890 dated the 18<sup>th</sup> August 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu by Petronet CTM Limited.

And whereas, copies of the said notifications were made available to the public on 6<sup>th</sup> September, 2000;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the said land are required for laying of the pipeline for the transport of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration in the Petronet CTM Limited, free from all encumbrances.

## SCHEDULE

Taluk : Tiruchirapalli		District : Tiruchirapalli		State : Tamil Nadu		
Name of the Village	Survey no	Sub-Division no	Area			
			Hectare	Are	Sq mtr	
1	2	3	4	5	6	
No.80/1 KANDALUR	72	1	0	04	50	
	72	2	0	04	50	
	72	13	0	00	40	
	72	3	0	05	80	
	72	12	0	00	40	
	72	11	0	00	66	
	72	10	0	01	35	
	72	9	0	00	90	
	72	4	0	02	36	
	64	1	0	10	80	
	19	2	0	09	52	
	19	4	0	02	88	
	19	5	0	03	24	
	19	6	0	02	34	
	19	7	0	02	16	
	19	8	0	02	88	
	63	1	0	11	00	
	62	9	0	00	72	
	62	10	0	06	60	
	62	11	0	08	68	
	62	12	0	05	40	
	62	13	0	03	96	
	62	14	0	04	32	
	62	15	0	03	96	
	60	1	0	12	60	
	60	3	0	08	64	
	60	4	0	04	46	
	No.76 SURIYUR	544	9	0	00	40
		544	6	0	00	92
		544	5	0	01	92
		544	4	0	03	24
		544	3C	0	01	08

1	2	3	4	5	6
	544	3B	0	00	49
	544	2	0	01	44
	544	1B	0	05	04
	544	1A	0	00	64
	547	1	0	17	76
	545	1	0	03	00
	545	2	0	00	40
	702	2	0	15	84
	697	2	0	10	66

[No.-31015/36/2000 OR I]

S. CHANDRASEKHAR. Under Secy

नई दिल्ली, 9 फरवरी, 2001

का. आ. 316.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1894, तारीख 18 अगस्त, 2000 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट सी टी एम लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06 सितम्बर 2000 को उपलब्ध करा दी गई थीं ;

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि पेट्रोलियम पदार्थों के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त पेट्रोनेट सी टी एम लिमिटेड में निहित होगा।

## अनुसूची

तालूका : लालगुडी		जिला : तिरुचिरापल्ली		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे सं०	उप-खण्ड सं०	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं० 26 बालाडी	62	1	0	14	26
	62	2	0	03	38
	62	4	0	02	45
	62	5	0	08	44
	67	1	0	02	66
	67	2 क	0	08	31
	67	2 ख	0	10	44
	67	3 ख	0	01	36
	68	2 क	0	00	40
	68	3	0	07	92
	68	4	0	05	58
	133	5	0	00	40
	133	6 क	0	02	19
	133	7 क	0	02	44
	133	6 ख	0	00	40
	133	7 ख	0	01	58
	133	8 क	0	00	40
	133	8 ख	0	14	22
	125	2	0	08	46
	121 क	5	0	05	22
	121 ख	7	0	01	52
	121 ख	8	0	00	40
सं० 83/1 तिरुमणमेडु (पश्चिम)	7	1	0	00	72
	7	4	0	09	86
	1	9 ख	0	06	66
	1	9 क	0	09	72
	6	4	0	11	07
	6	2	0	01	21
	6	3	0	08	99
	4	6	0	03	88
4	7	0	25	27	

[सं. आर.-31015/36/2000-ओ आर-I]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 9th February, 2001

S. O. 316. - Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1894 dated the 18<sup>th</sup> August 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu by Petronet CTM Limited;

And whereas, copies of the said notifications were made available to the public on 6<sup>th</sup> September, 2000;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the said land are required for laying of the pipeline for the transport of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration in the Petronet CTM Limited free from all encumbrances.

## SCHEDULE

Taluk : Lalgudi		District :Tiruchirapalli		State : Tamil Nadu	
Name of the Village	Survey no.	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.26 VALADI	62	1	0	14	26
	62	2	0	03	38
	62	4	0	02	45
	62	5	0	08	44
	67	1	0	02	66
	67	2A	0	08	31
	67	2B	0	10	44
	67	3B	0	01	26
	68	2A	0	00	40
	68	3	0	07	92
	68	4	0	05	58
	133	5	0	00	40
	133	6A	0	02	19
	133	7A	0	02	44
	133	6B	0	00	40
	133	7B	0	01	58
	133	8A	0	00	40
	133	8B	0	14	22
	125	2	0	08	46
	121A	5	0	05	22
	121B	7	0	01	52
	121B	8	0	00	40
No.83/1 THIRUMANAMEDU (WEST)	7	1	0	00	72
	7	4	0	09	86
	1	9B	0	06	66
	1	9A	0	09	72
	6	4	0	11	07
	6	2	0	01	21
	6	3	0	08	99
	4	6	0	03	88
	4	7	0	25	27

[No.-31015/36/2000 OR I]

S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 9 फरवरी, 2001

का. आ. 317.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन ज़मीन, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1891, तारीख 18 अगस्त, 2000 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट सी टी एम लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06 सितम्बर 2000 को उपलब्ध करा दी गई थीं ।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकार न केन्द्राय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि पेट्रोलियम पदार्थों के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त पेट्रोनेट सी टी एम लिमिटेड में निहित होगा।

## अवराधी

ज.पू.क. कलकुर	जिला : पुदुकोट्टै		राज्य : तमिलनाडु		
ग्रांथ को नाम	सर्वे सं०	ग्रांथ सं०/पृष्ठ सं०	क्षेत्रफल		
			हक्टर	एकर	वर्ग मीटर
1	2	3	4	5	6
सं० 80/1 गणेशगार	319	3 अ 1 क	0	02	80
	319	4 क 2 क	0	17	15
	318	2 क 1	0	04	38
	317	6	0	04	05
	317	5 क	0	07	20
	317	5 ख	0	00	40
	317	4	0	02	57
	317	3	0	01	17
	317	2	0	00	40
	338	5 ग	0	00	40
	338	5 क	0	7	38
	338	5 ख	0	00	40
	338	6	0	07	20
	342	2	0	09	63
	342	3	0	03	51
	342	5	0	02	79
	342	6	0	03	06
	342	7 क	0	11	61
	342	7 ख	0	00	40
	344	1	0	05	13
	344	2 क 2	0	03	39
	344	2 क 3	0	01	56
	344	3 क 2	0	03	60
	344	3 ख	0	00	40
	344	4 ख	0	01	04
	344	4 ग	0	02	22
	344	5	0	03	06
	345	2 क 1 ख	0	03	24
	345	2 क 1 घ	0	00	55
	345	2 क 1 क	0	01	72
	345	2 ख 1 ख	0	01	46

[सं. आर.-31015/36/2000-ओ आर-1]

एस. चन्द्रशेखर, अवर सचिव



New Delhi, the 9th February, 2001

S. O. 317.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1891 dated the 18<sup>th</sup> August 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu by Petronet CTM Limited.

And whereas, copies of the said notifications were made available to the public on 6<sup>th</sup> September, 2000;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the said land are required for laying of the pipeline for the transport of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Petronet CTM Limited, free from all encumbrances.

## SCHEDULE

Taluk : Kulathur		District : Pudukkottai		State : Tamil Nadu	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr
1	2	3	4	5	6
No.42 MANDAIYUR	319	3B1A	0	02	80
	319	4A2A	0	17	15
	318	2A1	0	04	38
	317	6	0	04	05
	317	5A	0	07	20
	317	5B	0	00	40
	317	4	0	02	57
	317	3	0	01	17
	317	2	0	00	40
	338	5C	0	00	40
	338	5A	0	07	38
	338	5B	0	00	40
	338	6	0	07	20
	342	2	0	09	63
	342	3	0	03	51
	342	5	0	02	79
	342	6	0	03	06
	342	7A	0	11	61
	342	7B	0	00	40
	344	1	0	05	13
	344	2A2	0	03	39
	344	2A3	0	01	56
	344	3A2	0	03	60
	344	3B	0	00	40
	344	4B	0	01	04
	344	4C	0	02	22
	344	5	0	03	06
	345	2A1B	0	03	24
	345	2A1D	0	00	55
	345	2A1A	0	01	72
	345	2B1B	0	01	46

[No.-31015/36/2000 OR I]  
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 9 फरवरी, 2001

का. आ. 318.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1893, तारीख 18 अगस्त, 2000 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट सी टी एम लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06 सितम्बर 2000 को उपलब्ध करा दी गई थीं ;

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि पेट्रोलियम पदार्थों के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त पेट्रोनेट सी टी एम लिमिटेड में निहित होगा।

अनुसूची

तालूका : कुण्णम्		जिला : पेरम्बलूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल			
			हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
सं.46 : सिरुमात्तूर	315	242	0	02	84	

[सं. आर.-31015/36/2000-ओ आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 9th February, 2001

S. O. 318.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1893 dated the 18<sup>th</sup> August 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu by Petronet CTM Limited.

And whereas, copies of the said notifications were made available to the public on 6<sup>th</sup> September, 2000;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the said land are required for laying of the pipeline for the transport of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration in the Petronet CTM Limited free from all encumbrances.

## SCHEDULE

Taluk : Kunnam		District : Perambalur		State : Tamil Nadu	
Name of the Village	Survey no	Sub-Division no.	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.46 SIRUMATTUR	315	202	0	02	84

[No.-31015/36/2000 OR I]

S. CHANDRASEKHAR. Under Secy.

नई दिल्ली, तारीख 12 फरवरी, 2001

का. आ. 319.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्यांक 2144 तारीख 12, सितम्बर, 2000 द्वारा उत्तर प्रदेश राज्य में मथुरा से दूण्डला तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन हेतु उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 10-10-2000 से उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह विनिश्चय किया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विलगनों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तहसील : मथुरा

जिला : मथुरा

राज्य : उत्तर प्रदेश

गाँव का नाम

खसरा सं०

क्षेत्र

हैक्टेयर

आर.

वर्गमीटर

1

2

3.

4

5

बढ़ावांगर

184

00

11

39

185

00

01

76

186

00

11

39

187

00

14

07

शहजादपुर इंदावली

38

00

36

00

[सं. आर.-31015/37/2000-ओ आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 12 February, 2001

S. O. 319.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2144 dated the 12th September, 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying branch pipeline for the transport of petroleum products from Mathura to Tundla in the State of Uttar Pradesh by the Indian Oil Corporation Limited;

And whereas, the copies of the said gazette notification were made available to the public from 10-10-2000;

And whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

#### Schedule

Tehsil- Mathura		District- Mathura		State- Uttar Pradesh	
Name of Village	Khasara No.	Area			
		Hectare	Are	Square Metre	
1	2	3	4	5	
Barha Bangar	184	00	11	39	
	185	00	01	76	
	186	00	11	39	
	187	00	14	07	
Shahzadpur Indavali	38	00	36	00	

[No.-31015/37/2000 OR I]  
CHANDRASEKHAR, Under Secy.

नई दिल्ली, 7 फरवरी, 2001

का. आ. 320.—यतः इस मंत्रालय द्वारा दिल्ली के लिए समूह आवास मानदंड संशोधित करते हुए उपांतरण और दिशानिर्देश दिनांक 3 जून, 1999 को जारी किए गए थे किन्तु स्थानीय निकायों/एजेंसियों द्वारा कतिपय स्पष्टीकरणों की अपेक्षा की गई थी। कथित दिशानिर्देशों में विशेषतया बेसमेंट में पार्किंग से संबंधित कतिपय उपांतरणों का सुझाव दिया गया था। इस मामले पर मंत्रालय में स्थानीय निकायों आदि की उपस्थिति में विचार किया गया था।

2. अतः अब मामले पर सावधानीपूर्वक विचार के बाद यह स्पष्ट किया जाता है कि अधिसूचना से संलग्न अनुलग्नक का पैरा(ii) इस प्रकार पढ़ा जाए:-

बेसमेंट/बेसमेंटों की सेट बैक लाइन तक अनुमति इन शर्तों पर दी जाएगी कि इस/इनमें समाहित अधिकतम क्षेत्र भवन के आच्छादित क्षेत्र से अधिक नहीं होगा, एक स्तर पर बेसमेंट क्षेत्र ग्राह्य भूतल दायरे (कवरेज) से अधिक नहीं होगा तथा शेष क्षेत्र को बेसमेंट का निचला स्तर माना जाएगा। बेसमेंट फर्शी क्षेत्र अनुपात (एफ ए आर) से मुक्त होगा और इसका उपयोग दिल्ली मास्टर प्लान मानकों के अनुसार वाहन पार्किंग और सर्विसिंग कार्यों के लिए किया जाएगा। यदि भवन का निर्माण गैर रिहायशी ऊँचाई (नॉन हैबीटेबल हाइट) के स्फीत क्षेत्र (स्टिल्ट एरिया) के

साथ किया जाता है और उसका उपयोग वाहन पार्किंग के लिए किया जाता है तो स्फीत क्षेत्रफल (स्टिल्ट फ्लोर) को फर्शी क्षेत्र अनुपात (एफ ए आर) में शामिल नहीं किया जाएगा। कुल अपेक्षित पार्किंग स्थल की व्यवस्था के अन्तर्गत भूखंड बेसमेंट/स्फीत क्षेत्रफल/अनाच्छादित स्थान में की जाएगी।

[सं. के.-13011/17/96-डीडी I बी खण्ड- III]

देवेन्द्र कुमार गोयल, अवर सचिव

New Delhi, the 7th February, 2001

S. O. 320.—WHEREAS modifications and guidelines dated June 3 1999 had been issued by this Ministry revising the Group Housing norms for Delhi. However, certain clarifications had been sought for by the local bodies/agencies. Some modifications in the said guidelines particularly pertaining to parking in basements had been suggested. The matter was discussed in detail in the Ministry when local bodies, etc were present.

2. NOW, after careful consideration of the matter it is further clarified that the Para (ii) of the Annexure to Notification is to be read as follows:

"Basement/basements will be permitted upto the set back lines, subject to the conditions that the maximum area shall not exceed the building envelope area, at one level the basement area shall not be more than the permissible ground coverage and the remaining area would be taken to the lower level of the basement. The basement will be free from FAR and shall be used for parking and services as per MPD norms. If the building is constructed with stilt area of non-habitable height and used for parking, the stilt floor will not be included in FAR. Total required parking shall be provided in basement/stilt floor/open space within the plot."

[No. K-13011/17/96-DDIB (Vol. III)]

DEVENDRA KUMAR GOEL, Under Secy.



## श्रम मंत्रालय

नई दिल्ली, 18 जनवरी, 2001

का. आ. 321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेवल डॉक यार्ड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण विशाखापत्तनम् के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2001 को प्राप्त हुआ था।

[सं. एल-14025/1/2001-आई.आर.(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 18th January, 2001

S.O. 321.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Visakhapatnam, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Naval Dock Yard and their workman, which was received by the Central Government on 18-1-2001.

[No. L-14025/1/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L.,

Chairman and Presiding Officer.

Dated : 12th day of December, 2000

I.T.I.D. (C) 15/99

This petition is filed directly by the workman under Section 2A(2) of the I.D. Act.

## BETWEEN

Balla Apparao,  
S/o Ramema,  
C/o P. Narashinga Rao,  
Surveyor,  
Simhachalam Devastanam,  
D. No. 8/90, Srinivasanagar,  
Gopalapatnam Post,  
Visakhapatnam District.

Workman

## AND

- (1) Naval Dock Yard,  
Visakhapatnam,  
Rep. by its Admiral Superintendent,  
Naval Dock Yard,  
Visakhapatnam.
- (2) The Dy. General Manager (P & A),  
Naval Dock Yard,  
Visakhapatnam.

Management

This dispute coming on for final hearing before me in the presence of Sri V. V. Sastry, advocate for workman, and the Government Pleader for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

## AWARD

(1) This is an application filed under Section 2A(2) of the Industrial Disputes Act, 1947 for reinstatement with back wages and other benefits.

361 GI/2001—10

(2) The case of the petitioner is that he worked as Helper in the defence employees Canteen, Visakhapatnam Naval Dock Yard, Visakhapatnam since September, 1987 till 31st May, 1997 on which date he was asked to come afterwards. Initially he was paid Rs. 425 per month and subsequently it was increased to Rs. 1000 per month. The petitioner along with other co-employees made several requests to the management for regularisation and also to pay salary on par with the regular employees. The petitioner and another P. C. Blake a co-employee filed OA 1226/95 before the Central Administrative Tribunal, Hyderabad for their regularisation and it was dismissed holding that the Central Administrative Tribunal has no jurisdiction. Aggrieved by the said order, the co-employee P. C. Blake filed I.T.I.D. 22/97 before this Court and he got an award dated 19-3-99 for his reinstatement with backwages. The petitioner served for 10 years and he was stopped without continuing him to serve by the management and without any notice or any payment of compensation. Hence this application.

(3) The respondent filed counter stating that his services were engaged as Dry Canteen Helper in Naval Dock Yard, Visakhapatnam on a consolidated pay of Rs. 250 to Rs. 325 which was paid from the Dry canteen profits. Subsequently the pay was increased to Rs. 1000. Therefore, he was not eligible for regularisation in terms of the government rules. He was not sponsored from the employment exchange or appointed in a Government billet. The officer incharge of the canteen is not competent officer to appoint any employee. He cannot be a workman under the I.D. Act of a workman as per the definition given under the Factories Act. The O.A. filed by the petitioner and two others was dismissed by the Central Administrative Tribunal. Thereafter the helpers started disobeying their superiors in the canteen and also obstructing the other from performing their duties. Therefore, the management was constrained to stop the services of the petitioner w.e.f. 31-5-1997. This Tribunal passed an ex parte order in I.T.I.D. 22/97 filed by P. C. Blake for reinstatement and the advocate for the management failed to file rejoinder and appear on behalf of the respondents. Therefore, that order was not on merits. The removal of the petitioner was due to his poor performance of his job as helper in the canteen. There is no employee and employer relationship between the workman and the respondent and Section 2A(2) of the I.D. Act is not application to the workman since he is not an employee of the State or its undertaking. The dry canteen is not an industry within the meaning of the Industrial Disputes Act. The petitioner is not a workman at all. Hence the petition is liable to be dismissed.

(4) On behalf of the workman, the workman is examined as WW1 and got marked Exs. W1 and W2. On behalf of the Management, Officer Incharge of the Dry Canteen of the Naval Dock Yard, Visakhapatnam is examined as MW1 and got marked Exs. M1 and M2.

(5) Heard both sides.

(6) The point that arises for consideration in this case is :

Whether the petitioner is entitled for reinstatement with back wages and continuity of service as prayed for ?

(7) The following facts are not in dispute. The petitioner was appointed and served as Helper in the Dry Canteen, Naval Dock Yard, Visakhapatnam on a monthly pay of Rs. 250 to Rs. 350 later his pay was increased to Rs. 1000 per month. He was not appointed through employment exchange nor by way of regular selection and that the petitioner and others have filed O.A. 419/94, O.A. 1142/95 and O.A. 1226/95 on the file of the Central Administrative Tribunal, Hyderabad for regularisation and their applications were dismissed vide Exs. W1 and M2 and later one employee by name P. C. Blake have filed ITID 22/97 and an ex parte award was passed by this Tribunal directing the management to reinstate him. It is also not in dispute that the petitioner worked for about 10 years till May, 1997 and by the time of his termination of services his consolidated pay was Rs. 1000 per month.

(8) While so, it is the case of the management, that the petitioner and other workers failed to get regularisation of their services before the Central Administrative Tribunal, they started disobeying the orders of the officers incharge of the Dry canteen and they were also obstructing others to perform their duties and became indisciplined. Hence the

management stopped the services of the petitioner from 31st May, 1997. Only on account of the indiscipline, he was removed though other helpers are continuing in service. MW1 admitted the same in his chief examination itself. Therefore, under the circumstances, it is not the case where the services are not required, and the management have filed Ex. M1 to show that there were some remarks made against the petitioner alleging that the workman was not attending to duties properly and it is dated 7-5-97. Admittedly this was not communicated to the workman nor he was called for any explanation. Therefore, under the circumstances, this document is of no help. Admittedly this is a case where the petitioner has been working more than 240 days in a calendar year and it is not even the case of the management that there is no work for this workman in the Dry canteen and MW1 also admitted that after removal of three persons, three more employees joined into service. He also admitted that Simhachalam, Simu and Suribabu were also working as helpers and they were also appointed along with this petitioner and they are all seniors to this workman. He also deposed that at present three more workmen are working apart from Simhachalam and two others and they were appointed after removal of this petitioner and two other workmen. It is also not in dispute that no notice was given prior to the termination of the petitioner nor any terminal benefits were paid under Section 25F of the I.D. Act. Therefore, under the circumstances, the retrenchment of the petitioner is in violation of Section 25F of the I.D. Act. Therefore, the petitioner is entitled for reinstatement with back wages. Accordingly, I answer the point in favour of the petitioner and against the respondents.

(9) In the result, the petition is allowed and an award is passed directing the management to reinstate the petitioner with back wages within a month from the date of receipt of copy of the publication of the award. However, there is no order as to costs in the circumstances of the case.

Dictated to steno transcribed by her given under my hand and seal of the court this the 12th day of December, 2000.

SRI K. VEERAPU NAIDU, Presiding Officer

#### APPENDIX OF EVIDENCE :

##### WITNESSES EXAMINED

FOR WORKMAN : WW1 : B. Apparao

FOR MANAGEMENT : MW1 : R. G. Sen

##### DOCUMENTS MARKED

FOR WORKMAN :

Ex. W1 30-6-94 : Judgment in OA No. 419/94 on the file of Central Administrative Tribunal, Hyderabad.

Ex. W2 19-03-99 : Published award in ITID (C) 22/97.

FOR MANAGEMENT :

Ex. M1 7-5-97 : Remarks against the workman.

Ex. M2 4-2-97 : Judgment in OA No. 1142/95 and OA 1226/95 on the file of the Central Administrative Tribunal, Hyderabad.

नई दिल्ली, 18 जनवरी, 2001

का. अ. 322.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2001 को प्राप्त हुआ था।

[सं. एल-40012/178/2000-आईआर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 322.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Supdt. of Post Office and their workman, which was received by the Central Government on 18-1-2001.

[No. L-40012/178/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

Before the Central Government Industrial Tribunal, Nagpur  
Present: Shri B. G. Saxena, Presiding Officer

Reference No. : CGIT-253/2000

Employers in relation to the management of

The Superintendent of Post Office

and

Their Workman Shri Anil Shramrao Jambhule

#### AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub section (i) and sub section 2(A) of the section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order no. L 40012/178/2000/IR(DU) dated 09-08-2000 on the following schedule.

#### SCHEDULE

"Whether the action of the Management Sr. Supdt. of Post Office, Chanda Division, Chandrapur in terminating Sh. Anil Shramrao Jambhule, Ex EDDA, Br. Post Office, Chandankheda, Distt. Chandrapur is legal, proper and justified? If not, to what relief the workman is entitled and from which date?"

In this case the workman Shri Anil Shramrao Jambhule, Ex EDDA did not turn up in the court. He did not submit any statement of claim. From the side of management Shri E. S. Kumbhade appeared on 6-11-2000. The case was adjourned to 18-12-2000. The case was again fixed on 22-12-2000.

Today, the case was taken up at 1.15 p.m. Both the parties are absent. On 6-11-2000 the application was moved by Shri K. S. John, Sr. Superintendent of Post Offices, Chanda Division, Distt. Chandrapur. In this application it is mentioned by Shri K. S. John, Sr. Supdt. of Post Offices that Shri Anil Shramrao Jambhule was not engaged appointed as EDDA at Chandankheda by concerned ASP recruiting authority in this division. Shri Anil Shramrao Jambhule has never worked as EDDA, Chandankheda as alleged.

As I mentioned above, the workman did not turn up to contest the case. No statement of claim has been filed by him either himself or through his union. In view of the above facts the reference should be disposed off for want of prosecution.

#### ORDER

As the workman did not submit any statement of claim, and did not prefer to contest the reference, the reference is disposed off for want of prosecution. The workman therefore is not entitled to any relief.

The reference is answered accordingly.

Dated : 22-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2001

का. मा. 323.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिसों के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पत्राट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2001 को प्राप्त हुआ था।

[सं. एल-40012/312/99-आई आर (डी यू)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 323.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Supdt. of Post Offices and their workman, which was received by the Central Government on 18-1-2001.

[No. L-40012/312/99-IR(DU)]  
KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 5th January, 2001

PRESENT:

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 45/2000

[In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of the Superintendent of Post Offices, Mayiladuthurai Division.]

BETWEEN

Shri R. Veeraraghavan. Workman/I Party.

AND

The Supdt. of Post Offices,  
Mayiladuthurai Division. Management/II Party.

APPEARANCES:

For the Workman: M/s. S. Jothivani, G. Jothi, R. Balagurusamy, Advocates.

For the Management: Shri K. Sivajothi, Addl. Central Government Standing Counsel.

REFERENCE:

Order No. L-40012/312/99-IR(DU) dated 12-07-2000,  
Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 5-1-2001, upon perusing the reference, claim statement, counter statement, and other material papers including the petition filed by the I Party through his counsel Shri R. Balagurusamy and on hearing the representations made by the counsel for the I Party and Addl. Central Government Standing Counsel for the II Party, this Tribunal after consideration passed the following:—

AWARD:

This reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section (1) and

Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of the dispute between R. Veeraraghavan, Workman and the Supdt. of Post Offices, Mayiladuthurai Divn., mentioned as schedule appended to the order of reference.

The Schedule reads as follows:—

"Whether the action of the management of Supdt. of Post Offices, Mayiladuthurai Division in terminating the services of Shri R. Veeraraghavan from the Post of Extra Department Branch Post Master is legal and justified? If not, to what relief the concerned workman is entitled?"

This order of reference dated 27-01-2000 was sent first to the Central Government Industrial Tribunal, Bangalore. Subsequently, as per the orders of transfer by Government of India dated 12-07-2000, this Industrial Dispute was withdrawn from the file of Central Government Industrial Tribunal, Bangalore and transferred to the file of this Tribunal. On receipt of this reference on transfer, this Industrial Dispute has been taken on file as I.D. 45/2000 on 17-08-2000. Notices were sent to both the parties to appear before this Tribunal and to file the respective claim statement as well as the counter statement. Accordingly, both the parties appeared through their counsel and filed their respective claim statement and counter statement.

2. In the claim statement filed by the I Party Workman, it is his contention that he was provisionally appointed as EDDA II, Elahur, EDBO, a/w Valluvakudi S.O., in put off duty vacancy of R. Ramalingam and his service was terminated on 31-05-1996 as the vacancy is not a regular one and it was only a temporary arrangement. Like that, he worked as EDMC, Thirumalaivasal from 3-7-1997 to 30-11-1997 in the vacancy caused due to the transfer of R. Somasundaran. Again as a stop gap arrangement, he worked as EDDA/MC from 1-12-1997 to 15-12-1997 in the transfer vacancy of A. Packirisamy. Subsequently, in the vacant post of EDBPM, Vilandhidu Samudhram for 6 months. He also gave a declaration on 28-03-1998, while joining the post accepting the condition that it is purely a temporary post. Then on appointment of a person by transfer to the post, his services were terminated. It is illegal, arbitrary and mala fide exercise of power in violation of principles of natural justice. He has not been issued any notice required under relevant service rules. It amounts to the violation of Section 25(f) of Industrial Dispute Act, 1947. His various representation to the department to take him back to the service were not considered at all. Then he approached the Regional Labour Commissioner for conciliation which ultimately ended in failure. Hence this reference by Central Government for adjudication by the Tribunal. Therefore it is prayed that this Honourable Tribunal may be pleased to pass an award to set aside the order of termination of service passed against this Petitioner by the department with effect from 11-12-1992 and to direct the department to reinstate him in service with all attendant benefits.

3. In the counter filed by the Respondent, it is clearly alleged that the Petitioner was not given any posting as a permanent employee. But he was provisionally appointed in the vacancy caused in various places in the extra department as temporary arrangement. As such, the Petitioner cannot be absorbed as a permanent employee in the department on regular basis. Since the Petitioner had not performed the duty continuously for over one year, the issue of notice is not mandatory one and there is violation of Section 25(f) of the Industrial Dispute Act, 1947. Hence, this Honourable Court may be pleased to dismiss the claim petition of the Petitioner.

4. When the matter was taken up today for enquiry, the I Party with his counsel filed a petition stating that he is not pressing the matter for any relief claimed in this Industrial Dispute and hence this Tribunal may be pleased to allow this petition by permitting him to withdraw this claim and pass the necessary orders.

5. The counsel for the II Party, Addl. Central Government Standing Counsel after taking notice in this petition has made a representation that this Honourable Tribunal may be pleased to allow this petition of the I Party claim amount and to dismiss the claim of the Petitioner without cost. Considering

all these representations and the written request made by the Petitioner through petition, this Tribunal is of the opinion that in view of the request of the I Party Claimant, an order can be passed dismissing the claim raised in this Industrial Dispute.

In the result, an award is passed holding that the Workman I Party need not be granted the relief prayed for reinstatement of service in the II Party department with attendant benefits and a no relief award is passed without cost.

Dictated to the Typist, Typed by her direct and corrected and pronounced by me in the open court this day, the 5th January, 2001.

K. KARTHIKEYAN, Presiding Officer

Witnesses examined on either side : Nil

Documents marked on either side : Nil.

नई दिल्ली, 18 जनवरी, 2001

का. प्रा. 324.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापत्तनम के रचाव को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2001 को प्राप्त हुआ था।

[सं. एल-40025/1/2001-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 324.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure in the Industrial Dispute the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 18-1-2001.

[No. L-40025/1/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, VISAKHAPATNAM.

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman and Presiding Officer.

Dated, 7th day of December, 2000

I.T.I.D. (C) 5/99

This petition is filed directly by the workman under Section 2A(2) of the I.D. Act

BETWEEN

K. Venkata Rao,  
D. No. 38-36-50, Swanagar,  
Marripalem, Visakhapatnam-18. ...Workman.

AND

(1) The Sub-Divisional Inspector (Postal),  
Yelamanchili,  
Visakhapatnam District.

(2) The Superintendent of Post Offices,  
Anakapalli Division,  
Anakapalli, Visakhapatnam District.

(3) The Chief Post Master General,  
A. P. Circle, Hyderabad. ...Management.

This dispute coming on for final hearing before me in the presence of Sri V. V. Apparao, advocate for workman and the Government Pleader for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

#### AWARD

(1) This is an application filed under Section 2A(2) of the Industrial Disputes Act, 1947 for reinstatement with back wages.

(2) The case of the workman is that he was appointed as Branch Post Master, T. Suchikonda, Yelamanchili, Taluk, Visakhapatnam District on 4-1-1979 and later he was confirmed and serving without any remark. While so, due to village factions one Mr. P. Gangu Naidu made a complaint against him alleging that the workman has withdrawn a sum of Rs. 1884 from his S.B. Account No. 587138 and also withdrawn a sum of Rs. 850 from his R.D. Account No. 47703. On receipt of the complaint the Sub-post Master, Yelamanchili reported the matter to the Superintendent, Post Offices, Anakapalli Division on 6-3-86. On the basis of that report, the Sub-Divisional Inspector, Postal, Yelamanchili conducted a detailed enquiry and put the workman under put-off duty on 7-3-86 and reported the same to the Superintendent, Post Offices, Anakapalli and the put off order was passed by the Superintendent, Post Offices, Anakapalli (Disciplinary Authority) on 10-3-86. Charge sheet was issued and regular enquiry was held and the two charges were held to be proved in the departmental enquiry and that the respondent management asked the workman to deposit Rs. 2734 on 8-3-86 to withdraw the put off duty order and accordingly, he deposited. The enquiry officer did not disclose the opinion of the hand writing expert as it was against them in spite of repeated oral requests made by the petitioner. The enquiry was ordered and basing on the enquiry report, his services were terminated and the petitioner filed O.A. No. 836/87 before the Central Administrative Tribunal, Hyderabad questioning the put off duty and the O.A. was dismissed on 23-10-92 and after conducting an enquiry his services were terminated under proceedings dated 28-6-89 issued by Superintendent of Post Offices, Visakhapatnam Division. Hence this petition.

(3) On the other hand, the case of the management is that the workman while acting as Post Master, T. Suchikonda, Yelamanchili Taluk, Visakhapatnam District committed the following misdeeds and 3 charges are framed against him which are as follows :

1. "That the said Sri K. Venkatarao, DPM (under put off duty) while working as DPM T. Suchikonda, BO a/w Yelamanchili. SO during the period from 12-9-84 to 25-9-85 had himself prepared SB-7 forms (Applications for withdrawals) and withdrew amounts mentioned hereunder on the dates noted against fraudulently in SB A/c. No. 587138 standing at the said SO in the name of Sri P. Gangunaidu without the knowledge of the depositor in contravention of Rules 133(i) and 133(iv) of Book of BO Rule and utilise the said amounts for his personal use and thus failed to maintain absolute integrity and devotion to duty as required under Rule 17 of P&T ED Agents (conduct and service) Rule, 1964.

DATE	AMOUNT
19-6-85	245
19-7-85	500
22-8-85	500
12-9-85	500
25-9-85	139

2. That the said Sri K. Venkatarao, DPM (Under put off duty) while on leave in the post of DPM, T. Suchikonda, BO a/w Yelamanchili, SO during the period 10-9-84 to 12-9-84 had fraudulently withdrew Rs. 850 in TDA/C. No. 47703 standing at the said BO in this name of Sri P. Gangunaidu on 12-9-84 in contravention of Rule-14 read with Rule-143(6) and (ii) of Book of BO Rules and utilised the said amount

for his personal use and thus failed to maintain absolute integrity devotion to duty as required under Rule-17 of P&T RD Agents (Conduct and Service) Rules, 1964.

3. That the said Sri K. Venkatarao, BPM (Put off duty), while working as BPM T. Suchikonda had failed to re-enter 3 amounts in deposit and issued to the beat or EDDA on 10-9-85 in the BO journal and also to take the acquittance of the EDDA in the BO journal for the amount made over to him as required under Note 2 below Rule 169 and Rule 106 of Book of BO Rules. Further he failed to re-enter 26 registered letters issued for delivery to the EDDA during the period 24-2-86 to 28-2-86 in the BO journal and also to take his acquittance for then in the BO journal as required under Rules 86 and Note 2 below Rule 169 of Book of BO Rules. Thus, by his above acts he failed to maintain devotion to duty as required under Rule 17 of P&T RD Agents (Conduct and Service) Rules, 1964".

(4) Regular enquiry was ordered in which the charges 1 and 2 are held to be proved and the 3rd charge was not proved and the disciplinary authority removed the workman from service and the removal is in accordance with the procedure.

(5) Before this court, no oral evidence is adduced on either side and no documentary evidence is adduced for the workman. On behalf of the management Exs. M1 to M36 are marked.

(6) No oral arguments are adduced, memo of typed written arguments are filed by both sides.

(7) The point that arises for consideration in this case is:

Whether the petitioner is entitled for reinstatement with back wages and continuity of service as prayed for?

(8) The case of the workman is that the domestic enquiry was not properly done, he was not given any opportunity to prove his innocence. This Tribunal held in its docket order dated 12-4-2000 that the domestic enquiry was held properly and the matter is posted for hearing under Section 11A of the I.D. Act. The only ground of the petitioner that he was not given any opportunity to prove his innocence but he is not specific as to what exactly happened and what opportunity was denied to him is and he is not specific as to what ex. the denial of opportunity to prove his innocence. Therefore, I see no force in the said contention.

(9) It is the further case of the workman that he made a deposit of Rs. 1884 and Rs. 850 in the respective deposits of the Gangu Naidu basing on the advice given by his superiors but he was not reinstated. This plea has no basis and he did not even enter into the box to state the said facts as to who promised him for reinstatement on making deposit of the said amount.

(10) The next contention raised by the petitioner is that he was falsely implicated in this case due to village factions. Even this plea is also not supported by any evidence or material on record. Therefore, there is no force in this plea also.

(11) The next contention raised by the workman that the punishment of removal is harsh and disproportionate and the management did not follow the procedure contemplated under law.

(12) As already stated above, the charges alleged against the workman are that while he was working as Branch Post Master, T. Suchikonda he withdrew some amount as mentioned in the first charge to a tune of Rs. 1884 from the S.B. Account of one P. Gangunaidu on the dates mentioned in the charge. The second charge levelled against the workman is that while acting as Branch Post Master as mentioned in the second charge he withdrew Rs. 850 fraudulently from the R.D. Account No. 47703 stood in the name of P. Gangunaidu on 12-9-84 in contravention of Rule-144 read with Rule 143(6) and (ii) of Book of BO Rule. So far as those two charges are concerned we have got the statements Exs. M2 and M3 of Sri P. Gangunaidu and a regular enquiry was ordered and it is also the case of the workman, that he

deposited the said amounts of Rs. 1884 and Rs. 850 and in the enquiry report Ex. M35 that Gangunaidu is examined and he stated about the two charges and withdrawals were not to his knowledge and he has not withdrawn the same and the pass book was also with the delinquent workman. The signatures of Gangu Naidu found on the withdrawal forms do not belong to him and it is not the case of the workman that the amount was withdrawn by the depositor. On the other hand, he tried to shift the responsibility on the SDIP, Yelamanchili under the guise of ignorance of rules. The said plea has no basis and the enquiry officer rightly denied the same. Therefore, I see no infirmity in the order passed by the enquiry with regard to the guilt of the two charges i.e. 1 and 2.

(13) The workman also filed to point out that the order Ex. M35 is not based on any valid reasons. Therefore, here this is a case where the grave charges of misappropriation of the amounts of Rs. 1884 and Rs. 850 were established against the workman. Further, it is the case of the workman that he made the deposit but that will not absolve the workman from his liability in the disciplinary enquiry.

(14) The next contention raised by the workman is that the punishment of removal is harsh and disproportionate and the management did not follow the procedure contemplated under law before imposing the punishment of removal. No show cause notice was issued before imposing the punishment. However, the workman have stated that he has got wife and children and dependants from his salary and therefore some leniency may be shown in imposing the punishment. This is not a case where some leniency could be shown, because the charges alleged and proved against the workman are with regard to misappropriation of the money belonging to a depositor and it is grave in nature. Therefore, the removal of the workman is justified and it is not harsh nor disproportionate to alter the said punishment. Therefore, I see no merits in this application.

(15) In the result, the application is dismissed and nil award is passed. However, there is no order as to costs and each party is directed to bear its own costs.

Dictated to steno transcribed by her given under my hand and seal of the court this the 7th day of December, 2000.

SRI K. VEERAPU NAIDU, Presiding Officer

## APPENDIX OF EVIDENCE

### WITNESSES EXAMINED

For Workman : None.

For Management : None.

Documents Marked :

For Workman : Nil.

For Management :

Ex. M1 : 06-03-86 : Copy of telegram.

Ex. M2 : 07-03-86 : Statement given by P. Gangunaidu.

Ex. M3 : 08-03-86 : Statement given by P. Gangunaidu.

Ex. M4 : 14-03-86 : Statement given by K. Venkatarao.

Ex. M5 : 08-03-86 : Letter to the management by workman.

Ex. M6 : 10-09-84 : Application for withdrawal.

Ex. M7 : 30-05-85 : Receipt No. 30 for depositor's pass book.

Ex. M8 : — : Application for withdrawal.

Ex. M9 : 31-03-87 : Record of inquiry.

Ex. M10 : 29-04-87 : Lr. addressed to the enquiry officer by workman.

Ex. M11 : 29-04-87 : Record of enquiry.

Ex. M12 : 23-06-87 : Record of enquiry.

Ex. M13 : 23-10-87 : Record of enquiry.

Ex. M14 : 23-12-87 : Record of enquiry.

Ex. M15 : 24-12-87 : Lr. addressed to Supdt. of Posts by the Sub-Divisional Inspector.

Ex. M16 : 28-01-88 : Lr. to the enquiry officer by the workman.

- Ex. M17 : 28-01-88 : Record of inquiry.  
 Ex. M18 : 08-02-88 : Lr. to the workman by the Sub-Divisional Inspector.  
 Ex. M19 : 04-02-88 : Proceedings of enquiry.  
 Ex. M20 : 15-04-88 : Proceedings of enquiry.  
 Ex. M21 : 15-04-88 : Examination of prosecution witness H. Simbachalam.  
 Ex. M22 : 15-04-88 : Examination of prosecution witness S. Kanakarao.  
 Ex. M23 : 15-04-88 : Examination of prosecution witness K. Ramakrishna.  
 Ex. M24 : 29-04-88 : Proceedings of inquiry.  
 Ex. M25 : 29-04-88 : Examination of official by inquiry officer.  
 Ex. M26 : 07-07-88 : Brief by the presiding officer.  
 Ex. M27 : 08-03-88 : Preliminary enquiry report.  
 Ex. M28 : 07-04-86 : Preliminary enquiry report.  
 Ex. M29 : 07-03-86 : Orders of the put off duty memo.  
 Ex. M30 : 10-03-86 : Ratification of put off orders memo.  
 Ex. M31 : 26-06-87 : Proceedings issued by Director of Postal Services.  
 Ex. M32 : 31-01-87 : Charge sheet.  
 Ex. M33 : 24-02-87 : Appointment of inquiry officer.  
 Ex. M34 : 24-02-87 : Appointment orders of presenting officer.  
 Ex. M35 : — : Enquiry report.  
 Ex. M36 : 28-06-89 : Disciplinary proceedings.

नई दिल्ली, 18 जनवरी, 2001

का. प्र. 325.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण विशाखापत्तनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2001 को प्राप्त हुआ था।

[सं. एल-40025/2/2001-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 325.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Visakhapatnam, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 18-1-2001.

[No. L-40025/2/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, VISAKHAPATNAM

PRESENT:

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman, Industrial Tribunal and Presiding Officer, Labour Court, Visakhapatnam.

Direct filing

U/Sec. 2A(2) of I.D. Act.

I.T.I.D. (C) 6/99

Dated: 10th day of November, 2000

BETWEEN

G. Padma Nabhan,  
D. No. 44-38-12/11,  
Srinivasa Nagar,  
Akkayapalem,  
Visakhapatnam-530016.

Workman

AND

Senior Superintendent Telegraph Traffic,  
O/o General Manager Telecom (Dist.),  
Visakhapatnam-530020.

Management

This dispute coming on for final hearing before me in the presence of Sri D. Siva Prasad, advocate for workman and of Sri M. Rama Koti, Advocate for Management, heard and upon perusing the material papers on record the court passed the following:

### AWARD

This is an application filed U/Sec. 2A of the Industrial Disputes Act, 1947 for reinstatement and continuity of service under the Respondent.

The case of the petitioner is that he worked as part time coolie on contingency basis at Telegraph Office Akkayapalem, Visakhapatnam during 1992 to 1996. The wages have been paid on Pro-rata basis from time to time as per the increase in the cost of Index. He was not appointed after 1996 February without any reason. His juniors Sri M. N. Murthy and others are still continuing in service. Hence this application.

The respondent filed its counter denying all the allegations pleaded in the petition. The case of the management is that the petitioner was used to be engaged purely on contingent basis to assist in the delivery of telegrams in case of shortage of delivery staff or due to heavy work. No appointment orders issued nor he was engaged with reference to any recruitment rules. He was paid on fixed hourly rates as per rules in force and expenditure was met from the contingent expenditure. His services are engaged in the year 1992-93 for 67 days, 1993-94 for 143 days, 1994-95 for 163 days, 1995-96 for 26 days. His job was part time and less than six hours per day. He never worked continuously in any year for more than 150 days. Mr. M. N. Murthy is given 2 hours work daily in other office. The workman did not perform 240 days of work @ 8 hours per day during any year. His services are taken intermittently on need basis as and when required. Hence the petition is liable to be dismissed.

On behalf of the workman, workman is examined as WW1 and got marked Ex. W1 to W3. On behalf of the management MW1 is examined. No documents are marked. Heard both sides.

The point that arise for consideration in that:

Whether the petitioner is entitled to reinstatement with back wages and continuity of service?

The case of the petitioner as disclosed by him as WW1, is that he worked as part time coolie on contingent basis at Telegraph Office Visakhapatnam from 1992 to 1996. His working hours are 10 per day. If he works for 10 hours the department used to pay Rs. 50 per day. After February, 1996 he was not appointed. Ex. W1 is the xerox copy of the Service Certificate dt. 16-6-97. Ex. W2 is the identity card. He also deposed the department gave regular appointment to M. N. Murthy, who is much junior to him. Thus the petitioner claims that he should be reinstated with back wages. This WW1 (Workman) admitted in his cross-examination that Ex. W3 is the letter showing the payment of wages to him and another, as part time persons engaged for delivery to telegrams. He also further admitted in the cross examination that in the year 1992-93, he delivered telegrams for 67 days and in the year 1993-94 for 143 days,

in the year 1994 for 163 days and in the year 1995-96 for 26 days only. Even Ex. W1 also discloses that the working hours are 6 hours per day. He also admitted that he do not know if M. N. Murthy is only working for 2 hours at Marripalem office for sweeping and for supply water. He also admitted that he never worked for 240 days continuously in any year.

Further the evidence of MW1 the Sub Divisional Engineer in the Office of Tele Com General Manager, Visakhapatnam is that the workman was engaged for delivery of telegram as and when needed. There are no fixed hours. If may be 2 or 3 hours Payment will be made from the contingent expenditure. On Narsimha Murthy is working in the Marripalem Tele Com Center and his job is sweeping and bringing water for 2 hours of day. There will not be any removal or retrenchment order to the workman. He will be engaged if his services are required.

Thus from the evidence let in through WW1 and MW1, it is quite clear that the petitioner was engaged for the purpose of delivery of telegrams in case of more work or under staff. His services are taken as contingent worker and his working hours are not exceeding 6 hours per day. He never worked continuously for 240 days in any year from 1992 to 1996. Therefore the petitioner is not entitled for reinstatement as he is only a casual employee on hourly basis. Therefore the petitioner failed to establish that he is a regular worker under the respondent or worked atleast continuously for 240 days in a year. Hence the petitioner is not entitled to claim the relief as prayed for in the application under the provisions of I.D. Act. Therefore I answer the point in favour of the Management/Respondent and against the petitioner.

In the result the application is dismissed. Nil Award is passed. However under the circumstances each party is directed to bear its own cost.

Given under my hand and seal of the court this the 10th day of November, 2000.

SRI K. VEERAPU NAIDU, Chairman

#### APPENDIX OF EVIDENCE

##### Witnesses Examined For

Workman : Management :  
WW1 G. Padmanabham MW1 P. Ramachandra Rao

Documents marked for workman :

- Ex. W1 16-6-1997 : Service certificate.
- Ex. W2 Xerox copy of Identity card.
- Ex. W3 4-4-1994 : Lr. addressed to the I.M. I/c R-I-graph Office by the Dy. Supdt. Tele. T. Ts. Visakhapatnam.

Documents marked for Management : Nil.

नई दिल्ली, 23.जनवरी, 2001

नं. आ. 326 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार सपरिटेन्डेंट ऑफ पोस्ट ऑफिस के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं. एल-40012/349/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 23rd January, 2001

S.O. 326.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Supdt. of Post Offices and their workman, which was received by the Central Government on 23-1-2001.

[No. L-40012/349/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI.

Friday the 12th January, 2001

PRESENT:

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 46/2000

(In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-Section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of the Superintendent of Post Offices, Thanjavur Division.)

#### BETWEEN

Sh. K. Swaminathan.

Claimant/I Party

#### AND

The Superintendent of Post Offices, Thanjavur Division.

Management/II Party

APPEARANCE:

For the Workman : Sh. S. Raveendran, Advocate.

For the Management : Sh. K. Sivajothi,

Additional Central Government Standing Counsel.

REFERENCE:

Order No. L-40012/349/1999-IR(DU) dt. 9-2-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 12-12-2000 upon perusing the reference, claim statement, counter statement and other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of the counsel for the workman, Sh. S. Raveendran and Sh. K. Sivajothi, Addl. Central Government Standing Counsel for the Management and this dispute having stood over till this date for consideration this tribunal passed the following:—

#### AWARD

This reference by Central Government in the exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Sh. K. Swaminathan, workman and the Superintendent of Post Offices, Thanjavur Division mentioned as schedule appended to the order of reference.

The schedule reads as follows:—

"Whether the action of the Management of Department of Posts, Thanjavur Sub Division in dismissing of Sh. K. Swaminathan from the services of Extra Department packer/Mail carrier is legal and justified? If not, to what relief the workman concerned is entitled?"



This reference for the industrial dispute was originally referred to for adjudication by the Ministry of Labour, Govt. of India to the Central Government Industrial Tribunal at Bangalore, where it was taken on file as CR No. 13/2000. Subsequently as per the orders of the Ministry of Labour dt. 12-7-2000 this reference has been withdrawn from the file of Central Government Industrial Tribunal Bangalore and transferred to this tribunal for adjudication. On receipt of the original reference on transfer from Bangalore Central Government, Industrial Tribunal this industrial dispute has been taken on file of this tribunal on 17-8-2000 as industrial dispute No. 46/2000. On receipt of the notice from this tribunal, both the parties appeared with their respective counsel and filed their respective claim statement and counter statement.

2. The averment of the claim statement of the Workman/ I Party are briefly as follows:—

The first party workman (herein after mentioned as the petitioner) was working as E. D. Packer Tirukkarugavur SO. While he was working as such a charge memo was given to him stating that on 3-12-94 he assisted the sub post master Thirukkarugavur as ED Packer of the office and opened the account bag dt. 3-12-94, received from Papanasam H.O. on the same day and found a closed and sealed leather cash bag along with a tag lable tied to it, invoiced with remittance of Rs. 6000 thereon, cut opened the LCB, took away the cash of Rs. 6000 stealthily and thereby failed to maintain absolute integrity and devotion to duty as required of him under Rule 17 of the Department of Post-ED Agents (conduct and service) rules—1965." Thirteen documents and six witnesses were mentioned in the chargesheet. An enquiry was conducted. It was concluded in that enquiry, that the charges were proved. On that basis punishment by removal from service was awarded to the petitioner. Though it is stated in the chargesheet, that Rs. 6000 is not found, there was no eye witness to say that the charged official took the money. No witness has deposed that he saw the ED Packer cut open the bag and took away the money. Only the charged official reported that money was not found and only at his instance entry in the error book was made and a complaint was preferred to the higher officials. Since the petitioner happened to be the last grade servant the officials made him a scape goat, only with a view to fix up the responsibilities with some one. Though there are two ED Staff, police complaint was given against the petitioner and because of severe beating and unbearable torture by the police, the petitioner had to accept the crime under coercion. It is said that with the help of police they have recovered the money from two persons one tailor and another, the betel shop owner of Navalur. The petitioner never gave any money to those two persons of Navalur. No statement was obtained from the persons from whom the money said to have been recovered, no such statements also has been submitted in the enquiry. Those persons being material witnesses were not examined in the enquiry. Moreover it is said that the money was packed in a wrapper similar to the wrapper used at Papanasam treasury. If really there were reliable evidence the respondent would have very well asked the police to proceed with the investigation for punishing the culprit. Since the respondent wanted only to recover the money to the Department and fix the responsibility to some one the petitioner was made a scape goat and a victim by the respondent. It is a false case based on coercion and duress. The respondent concocted the story to show the petitioner as a culprit, to strengthen the same the petitioner was forced to accept the guilt and under threat, he was made to write a dictated statement and his signature was obtained with the aid of the police. Just to have a Rule 17 enquiry a connected story has been made by saying that the claimant has stealthily taken away the money. The purpose of the enquiry was two fold one to fix up the responsibility with some one so that the real culprit can be protected and the other, to recover the money that was lost from the person on whom the responsibility has been fixed and in such a way the respondent can free himself from accountability. The enquiry and everything were a highly enacted drama by the respondent with the help of their own officials. The principles of Natural Justice were violated in holding the enquiry by the respondent. The enquiry was conducted in a hurried manner. No preliminary enquiry report was given to the petitioner for making effective defence.

The charged official was given a chargesheet in a language with which he is not conversant. The important documents called for by the petitioner for making effective defence were denied stating that they are not necessary for the enquiry. The non furnishing of chargesheeted documents to the petitioner, amounts to a gross violation of principles of natural justice. The appeal submitted by the petitioner was dismissed without proper application of mind by the appellate authority. The revision petition submitted by the petitioner was rejected after one year without a speaking order and proper application of mind. In the enquiry the rules were not properly followed and a reasonable opportunity was not given to the petitioner. Hence it is prayed that this Hon. Tribunal may be pleased to set aside the order of removal from service by directing the respondent to reinstate the petitioner in service with all back wages and other attendant benefits.

3. The averments in the counter statement of the respondent are briefly as follows:—

The second party Management (herein after mentioned as the respondent) submits that the ED Agents are governed by P & T ED Agents (C & S) Rules 1964 only. They are declared as civil servants by Supreme Court in the case SDI, Vaikam Vs. Thauyam Joseph and also declared that ED officials do not belong to the category of workman attracting the provisions of industrial disputes Act. This dispute raised by K. Swaminathan ex. ED Packer, Thirukkarugavur SD may be rejected on the ground that the ED employees do not belong to the category of workman and they are not covered by I.D. Act. In the charge framed against the petitioner thirteen documents in Annexure-3 of the charges and six witnesses for the State in Annexure-4 have been mentioned.

A departmental enquiry was conducted as per the proscribed rules, by nomination an enquiry officer and presiding officer. The charged official was allowed to have the services of a defence assistant to assist him in the enquiry. In the enquiry, the charge levelled against the charged official was proved and punishment of removal from service was imposed on the charged official. Though nobody noticed K. Swaminathan took away the cash, but he admitted of having done away with the money. The petitioner took the police authorities and postal inspector to Navalur village, collected the amount and gave it to the postal inspector and subsequently the charged official credited the amount of Rs. 6000 under unclassified account at Thirukkarugavur Post Office. If there was an eye witness to this incident, the postal inspector would not have approached the police authorities for finding out the culprit. Being the Head of Office, the Sub Postmaster Thirukkarugavur as per proscribed rules, made entry in the error book and information was given to the higher ups and not at the instance of the charged official as claimed by him. Since the departmental enquiry did not yield any fruitful result and the culprit could not be identified, the theft of office cash of Rs. 6000 received in the leather cash bag, was reported to the police by the postal inspector. The police took the two ED officials to the station and during the investigation K. Swaminathan admitted that he has committed the crime, and took the police to the Navalur village, contacted the people and got the amount which he was keeping with them, and credited it to postal accounts. So it is not correct to state that he was made as a scapegoat. Money was seized from the Navalur people only after police intervention. Since the police complaint was involved statements were not recorded from them. The respondent cannot insist the police to proceed with their investigation. It is up to the police to continue the proceedings or drop it. As the stolen money was retrieved and credited into postal accounts, the loss to Government exchequer was avoided. Then departmental enquiry was conducted appointing enquiry officer, presenting officer, giving reasonable opportunity to the charged official. The petitioner was given full opportunity to explain his stand before the enquiry officer and he availed those opportunities, utilising the assistance of the defence assistant. In the enquiry, the charge was explained in Tamil to the charged official, and he availed the service of the defence assistant for perusing the documents and cross examine the state witnesses. He was also examined himself as defence witness. Thus the enquiry was conducted following the provisions of rules and the enquiry was not an eyewash. After analysing the arguments of both sides the enquiry



officer came to the conclusion that the charge has been proved. The charged official while submitting his defence brief at the end of the enquiry did not tell any error in the conducting of the enquiry. No preliminary enquiry report is need to be given to the charged official since it is not prescribed in rules. The contention of the petitioner that the enquiry officer denied access of some of these documents since, they were found to be irrelevant to the charge against the petitioner is false. During the sitting held on 30-1-96, the defence assistance and the charged official perused all the documents listed out in the charge sheet and took copies of the statements. The appeal given by the Petitioner was disposed of taking into consideration of all aspects, by application of mind. The revision petition preferred by the Petitioner was disposed by the Postmaster General, Tiruchirappalli after proper application of mind. The Petition is wholly devoid of merits and not maintainable either on facts or in law. Hence it is to be dismissed with cost.

4. When the matter was taken up for enquiry the counsel on either side consented for marking documents on either side as Exs. W1 to W5 and Exs. M1 to M4 and advanced their respective arguments.

5. The Point for my consideration is:--

"Whether the action of the management of Department of Posts, Thanjavur Sub Division in dismissing of Sh. K. Swaminathan from the services of Extra Department Packer/Mail Carrier is legal and justified? If not, to what relief the workman concerned is entitled?"

Point:

The learned counsel for the Respondent has put forth an initial argument stating that this Tribunal may not have jurisdiction to adjudicate this dispute in view of the fact that the Postal Department cannot be considered to be an industry under Section 2(j) of the Industrial Dispute Act, 1947 and the provisions of Section 25(f) of that Act cannot be invoked. For this argument the learned counsel for the Respondent has relied upon the decision of the Supreme Court in civil appeal No. 3385-86 of 1996 arising out of SLP(C) No. 587-88 of 1992 known as Theyyam Joseph's case (1996) 8 SCC 489 and the decision of the Madras High Court in Writ Petition No. 11099 of 1988. In both these cases, the Honourable Supreme Court as well the Honourable High Court of Madras has held that the Postal Department is not an industry as per the Industrial Disputes Act. He has also relied upon another judgement of Supreme Court reported as 1998 Supreme Court cases (L&S) 1535 in civil appeal No. 6682 of 1997 decided on 26-09-1997, following the decision of the Supreme Court in (1996) 8 SCC 489 Theyyam Joseph's case, holding that Post Office is not an industry under Section 2(j) of Industrial Disputes Act. All these decisions of the Supreme Court as well as the High Court were overruled by the Supreme Court by its judgement reported as AIR 1998 Supreme Court 656. In that judgement dt. 18-11-1997, the Honourable Supreme Court was pleased to hold that the decision in Theyyam Joseph (1996) 8 SCC 489 and Bombay Telephone Canteen Employees Association, AIR 1997 SC 2817 cannot be treated as laying down the correct law. Under such circumstances, the arguments advanced by the learned counsel of the Respondent that Postal Department cannot be considered as an industry under Section 2(j) of the Industrial Disputes Act, is an incorrect one and cannot be accepted.

6. The Petitioner, Sh. Swaminathan was working as FD Packer/mc-I, Tirukarugavur SO. When he was working as such a remittance of Rs. 6000 was made by Papanasam HPO to Tirukarugavur SO through mail bag. In that mail bag, another cash bag containing remittance of Rs. 6000 properly tied with a tag and properly sealed at Papanasam HO was sent. The Petitioner, Sh. Swaminathan assisted the SPM, Tirukarugavur as FD Packer on 3-12-1994, opened the account bag dt. 3-12-1994 received from Papanasam HO and found a closed and sealed leather cash bag along with a tag label tied to it, invoiced with remittance of Rs. 6000. He opened the account bag and cash bag, when the SPM was busy with his morning sorting work. He first reported the SPM that the cash bag was received empty and told him to report it to higher authorities over phone. SPM and all their staff despite through search, could not find any cash

and the SPM made entries in other book and service telegrams issued to the higher authorities by the SPM. The SDI(P), Papanasam being an investigating officer, could not find out the disposal of the cash remittance received at Tirukarugavur SO. So, he immediately resort to the help of the police to find out the culprit. On investigation by the police authorities, Petitioner had admitted that he is stealthily took away the cash and removed the tag label to his possession. The Petitioner also explained the police authority that he kept the cash with the two village people of Nagalur, one at betal shop and another a tailor. He accompanied with the SDI(P) and police authority and went to the village in a car and collected the money from the people to whom he has left it for custody. The collected amount was given to the SDI(P), who credited the same into Government account on 5-12-1994. In view of these incidents the charge sheet dt. 17-05-1995 was issued to the Petitioner for his alleged misconduct stating that he cut opened the leather cash bag and took away the remittance cash of Rs. 6000 stealthily on 3-12-1994 and thereby failed to maintain absolute integrity and devotion to duty as required of him under rule 17 of department of Post-ED agent (Conduct & Service) Rules-1964. That memo with charge sheet with Annexure of list of documents and list of witnesses is Ex. W1. Thus, disciplinary action has been initiated against the Petitioner, Sh. K. Swaminathan and a domestic enquiry was conducted. In that memorandum itself, the Petitioner was directed to submit his written statement of defence within 10 days of the receipt of that memorandum. One Sh. V. Kannan was appointed as Enquiry Officer to conduct the domestic enquiry into the charge levelled against the Petitioner under Ex. W1. Accordingly, the Enquiry Officer conducted the enquiry against the Petitioner and submitted his report dt. 30-09-1996. The xerox of the same is Ex. M1. In that enquiry report, the enquiry officer gave a finding that the article of charge framed against Sh. K. Swaminathan, the Petitioner herein stands proved by documentary evidences and on oral depositions of state witnesses. On the basis of the findings given by the Enquiry Officer in his report, the adhoc disciplinary authority passed an order dt. 12-12-1996 imposing the punishment of removal from service with immediate effect against the Petitioner, Sh. K. Swaminathan. The served copy of that order to the Petitioner is Ex. W3. Against that order, the Petitioner preferred an appeal dt. 7-3-1987 to the Sr. Suptd. of Post Offices, Thanjavur Division. The copy of the appeal petition is Ex. W4. The appellate authority by its order dt. 12-05-1997 rejected the appeal and confirmed the punishment imposed by the adhoc disciplinary authority under Ex. W3. Then, the Petitioner preferred a revision petition to the Postmaster General, Central Region, Tiruchirappalli. The copy of the revision petition is Ex. W5. The Postmaster General, Central Region has rejected the revision petition unholding the order of punishment by the adhoc disciplinary authority which is confirmed by the appellate authority under Ex. M2 stating he finds no reason to interfere in these orders. Aggrieved by these departmental decisions against him, the Petitioner has raised this Industrial Dispute.

7. It is the allegation of the Petitioner in his claim statement that he could not understand the memo containing the charge, since it was in English. Ex. W2 is the letter dt. 21-05-1995, as a reply to the letter of the Petitioner. In that he has stated that during the preliminary (first) sitting the charge sheet would be completely translated in Tamil and he will be known the particulars of charge mentioned in the charge sheet in detail by the Enquiry Officer. It is not his stand in the claim statement that the Enquiry Officer on the first sitting of the enquiry has not translated the charges in English into Tamil language and explained him to know about the charge against him. Further in the course of the argument the learned counsel for the Petitioner has stated that the Claimant does not wish to question the validity of the conduct of the enquiry by the Enquiry Officer. By this representation by the learned counsel for the Petitioner in the argument, the allegations in the claim statement that on the name of enquiry so many errors were done blindly and the enquiry was the one violating the principles of natural justice and it is a highly enacted drama by the Respondent are given a go by. The learned counsel for the Petitioner has further argued that the alleged theft of money by the Petitioner is not proved in a criminal case and in such a situation, holding a enquiry itself is illegal and the whole enquiry is based on the assumption that the delinquent confessed his guilt and it followed by the recovery of the money.

He has also quoted as judgement reported as SLG III 1990(1) page 383, Kaniappan Vs. Director Gipner & Others and has stated that in that judgement it is held that the charges can not be held as proved on the basis of the confession statement of the employee made before the police officer. In this case also, there is no police case against the Petitioner. But, the amount had been recovered from two persons at Nagalur village by the police, when the Petitioner took the police along with SDI(P) to that village saying that he kept the cash to those two village people of Nagalur. It is the argument of the learned counsel for the Petitioner that the said confession before a police officer, cannot be admissible in evidence. On that basis, the enquiry officer holding that the charges are proved on the confession statement of the employee made before the police officer cannot hold good. It is available in the evidence both oral and documentary let in before the enquiry officer that hte confession made by the Petitioner before the police officer during their enquiry leads to the recovery of the lost money. The Petitioner himself taking the police people and SDI(P) to the village Nagalur and identified the two villagers with whom he kept the money. So, the Petitioner's admission before the police officer during their enquiry which leads to the recovery of the stolen money is an admissible evidence. So, the argument advanced by the learned counsel for the Petitioner on this aspect cannot be accepted. The facts of the case cited by the learned counsel for the Petitioner in support of his argument is different to that of the facts of this case. In that cited case, the alleged criminal offence of the employee was not connected with his official life, whereas in this case, the alleged criminal offence against the Petitioner was committed when he was actually doing his departmental work as ED Packer/mc-I Tirukaruvavur SO.

8. A perusal of the enquiry officer's report, Ex. M1 clearly shows that the defence had perused certain addl. documents also apart from the documents mentioned as list of documents in Annexure 3 of Memorandum of charges. Document No. 2 mentioned therein is a statement given by the Petitioner dt. 5-12-1994 given before the SDI, Papanasam sub-division. In that statement, Petitioner has clearly admitted his commission of the offence. The SDI, Papanasam, Sh. S. Krishnamoorthy also has been examined as SW-6 before the enquiry officer. He has spoken about the statement given by the Petitioner before him on 5-12-1995. All the evidence both documentary and oral let in by the state before the enquiry officer were duly considered by the enquiry officer before ever he came to the conclusion that the charge against the Petitioner has been proved. A perusal of the enquiry officer's report, Ex. M1 also showed that he was able to come to the conclusion on the basis of sufficient evidence both oral and documentary placed before him in the enquiry. That is why he gave the findings in his report that the charge framed against the Petitioner, Sh. Swaminathan stands proved by the documentary evidence and oral depositions of the state witnesses. After the submission of the report with the findings of the enquiry officer, the adhoc disciplinary authority, after perusing the connected records and properly applying his mind had passed an order of punishment by removal from service of the Petitioner with immediate effect. That is clearly reflected in his order, Ex. W3. Like that, the appellate authority and the revisional authority has passed the orders under Ex. M2 and M3 respectively confirming the orders of the adhoc disciplinary authority under Ex. W3. All these things go to show that the action of the Management of the Depot of Post, Thanjavur Sub Division in dismissing Sh. K. Swaminathan from the services of extra departmental packer/mail carrier is legal and justified and hence the concerned workman is not entitled for any relief. Thus I answer the appoint accordingly.

In the result, an award is passed holding that the Petitioner I Party workman, K. Swaminathan is not entitled to any relief prayed for, since the action of the Management of the Department of Post, Thanjavur Sub Division in dismissing him from service is legal and justified. No cost.

Dictated to the Typist, typed by her direct and corrected and pronounced by me in the open court on this day, the 12th January, 2001.

K. KARTHIKEYAN, Presiding Officer

Witnesses examined on either side : None.

## DOCUMENTS MARKED :

### FOR CLAIMANT :

- Ex. W1 17-05-1995 : Memorandum issued to Sh. K. Swaminathan with article of charge and Annexures, list of documents and list of witnesses.
- Ex. W2 21-06-1995 : Reply by adhoc disciplinary authority to Sh. K. Swaminathan.
- Ex. W3 12-12-1996 : Order of punishment imposed by adhoc disciplinary authority against Sh. K. Swaminathan.
- Ex. W4 07-03-1997 : Appeal petition of Sh. K. Swaminathan.
- Ex. W5 24-07-1997 : Revision petition by Sh. K. Swaminathan.

### FOR MANGEMENT :

- Ex. M1 30-09-1996 : Xerox copy of Enquiry Officer report.
- Ex. M2 12-05-1997 : Appellate Order.
- Ex. M3 12-11-1998 : Order passed by Postmaster General in revision petition of Sh. K. Swaminathan.
- Ex. M4 12-11-1998 : Enquiry Proceedings file.

नई दिल्ली, 19 जनवरी, 2001

का. आ. 327.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धकों के संबंध नियंत्रकों और उनके कर्मचारों के बीच, घनबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधीकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल-12011/150/2000-आईआर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 19th January, 2001

S.O. 327.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 17-1-2001.

[No. L-12011/150/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

## ANNEXURE:

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 9th January, 2001

### PRESENT :

K. KARTHIKEYAN, Presiding Officer.

Industrial Dispute No. 76/2000

[In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Claimant and the Management of Indian Bank, Chennai.]

### BETWEEN

The General Secy.,  
Indian Bank Empls. Assn.  
Chennai.

Claimant/I Party.

## AND

The Dy. Gen. Manager,  
Indian Bank,  
Zonal Office,  
Vellore.

Management/II Party.

## APPEARANCES :

For the Workman: M/s. M. Muthupandian and L. H. Lawrence, Advocates.

For the Management: M/s. King and Patridge, Advocates.

## REFERENCE :

Order No. L-12011/150/2000/TR(B-II) dated 29-09-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 20-12-2000, upon perusing the reference, claim statement, counter statement, rejoinder and other material papers on record, the oral and documentary evidence let in on either side and upon hearing the arguments of the counsel for the claimant Shri M. Muthupandian and the counsel for the Management M/s. King and Patridge and this dispute having stood over till this date for consideration, this Tribunal passed the following:—

## AWARD

This reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section 1 and Sub-section 2(A) of Section 10 in the Industrial Disputes Act, 1947 in respect of dispute between the Workman Shri P. Kandeepan and the Management of Indian Bank Zonal Office, Vellore mentioned as Schedule appended to the order of reference.

The Schedule reads as follows:—

“Whether the non-regularisation of Shri P. Kandeepan Temporary Part-time Sweeper of Indian Bank, Wandiwash Branch by the management is legal and justified? If not, what relief the workman is entitled to?”

On receipt of this reference, this Industrial Dispute had been taken on file of this Tribunal on 3-10-2000 as Industrial Dispute No. 76/2000. On receipt of notice from this Tribunal, both the parties appeared with the respective counsel and filed their respective claim statement, counter statement and rejoinder.

The averments of the claim statement of the Claimant/I Party are briefly as follows:—

The first party/claimant, Indian Bank Employees Association (hereinafter mentioned as the Petitioner) is a trade union registered under Trade Union Act, 1926 and commands substantial following among the Workman employed by the II Party Management (hereinafter mentioned as the Respondent). Thiru P. Kandeepan is employed as a part-time sweeper from October, 1991 in the Wandiwash Branch of Indian Bank against the permanent vacancy. The concerned workman was paid Rs. 25 per day till June, 1996 and Rs. 40 per day from July, 1996 to till date. The concerned workman requested the Management to regularise his service. He has studied upto 6th standard. He is entitled for regularisation of service. Since he is being engaged as a part-time sweeper from October, 1991 and working continuously without break in the permanent vacancy. The services of the concerned workman was not regularised in spite of several direct negotiations. The first party union raised a dispute by its letter dated 24-05-1999 to pay eligible salary as per bipartite settlement from the date of initial engagement, since has already attained the status of the permanent workman. The II Party submitted the remarks dated 25-10-1999 before the conciliation officer. The I Party Union submitted rejoinder dated 10-01-2000. As no settlement could be arrived at, the Asstt. Labour Commissioner sent his conciliation failure report to the Ministry of Labour, Government of India. The Government of India has made this reference to this Tribunal for

adjudication. The action of the Management in non-regularising the services of Thiru P. Kandeepan, part-time sweeper, Wandiwash branch is arbitrary and injustice. The second party has not regularised the services of the concerned workman from the date of initial engagement, is to deprive him the status and privileges of the permanent workman and therefore it amounts to unfair labour practice. The Management should not have denied the benefits accrued to the concerned workman, from the bipartite settlement. The action of the Management contravened the clause 20.8 of the settlement dated 19-10-1996 by employing him for more than 3 months in the permanent vacancy. The Management and the union have through 12(3) settlements regularised the service of similarly placed temporary employees and denial of such benefits to the concerned workman amounts to discrimination and arbitrary. It is also a violation of various judgements pronounced by the Honourable Supreme Court. The branch office at Wandiwash as recommended for his regularisation to the Zonal office, Vellore as well as to the regional office, Thiruvannamalai, by various letters and this would establish that the concerned workman continuously engaged in permanent vacancy in Wandiwash branch and he is entitled for regularisation. Section 3 of the Tamilnadu Industrial Establishment (Confirmation of permanent status to workmen) Act, 1981 confers permanency to workmen on completion of 480 days of continuous work in 24 calendar months. Since the concerned workman had completed 480 days of continuous service, he ought to have been regularised from the date on which he had completed 480 days. Therefore the claim of the I Party Union is fully justified. Therefore it is prayed that this Honourable Tribunal may be pleased to hold that the non-regularisation of P. Kandeepan, part-time sweeper, Indian Bank, Wandiwash Branch is illegal, unjustified and direct the Management to regularise the services from the date of initial engagement i.e., October, 1991 and to pay the arrears and other consequential benefits entitled to a permanent employee.

3. The averments in the counter statement of a II Party Management are briefly as follows:—

The reference made by the Ministry of Labour, Government of India dated 29-09-2000 is beyond the power of the Government of India. The above Industrial Dispute raised by the I Party is neither maintainable in law nor on facts and it is liable to be dismissed in limine. The regularisation of employee will not come under the definition of Industrial Dispute under Section 2k of the Industrial Disputes Act, 1947. By raising a above dispute the I Party is trying to gain employment by way of back door entry. On engagement as regular sweeper, the vacancy will be notified to the employment exchange to sponsor suitable candidates and appointment will be made by Zonal Manager. In the present case, the workman was appointed by the competent authority as per the procedure for regular appointment. He is being engaged by the Branch Manager of Wandiwash Branch only on casual basis. The Reserve Bank of India by its letter dated 12-08-1996 instructed Indian Bank not to resort to fresh appointment in all cadres. In view of the ban imposed by the Reserve Bank of India, the Indian Bank is not in a position to recruit any fresh employee. Only when the ban is lifted, Indian Bank will be in a position to restore fresh recruitments. The provisions of Tamilnadu Industrial Establishments (confirmation of permanent status to workmen) Act, 1981 will not be applicable to the second party. Hence it is prayed that this Honourable Court may be pleased to dismiss the dispute raised by the first party with cost.

4. The first party filed the rejoinder to the following allegations:—

As regularisation is one of the condition of service the dispute can be validly maintained under Section 2k of the Industrial Dispute Act. Further, keeping the workman as temporary and casual in order to deny the status and privilege of permanent workman is an unfair labour practice under item 10 of the fifth schedule to the Industrial Dispute Act. Further, any unfair labour practice is prohibited under Section 25-T and punishable under Section 25-U of the Industrial Dispute Act. The second party could not question the validity of the reference before this Honourable Tribunal and the second party is bound by the reference. Sponsoring through employment exchange for regular sweeper is not necessary in view of the employment exchange compulsory notification act. The circular of Reserve Bank of India dated 12-08-1996

will not apply to this case since the dispute does not relate to fresh appointment/recruitment. But relates to regularisation. In any event, the concerned workman is working even before the issuance of the said circular. The second party bank management made 152 regular appointments even after the issuance of the circular. Thiru. V. Ezumalai, one of them was appointed as Peon and posted in Indian Bank Saidapet Branch. Therefore, the second party cannot call in aid the said circular for refusing or postponing the regularisation of the workman concerned alone. It is not only arbitrary and discriminatory, but also mala fide. The said circular cannot take away the powers of this tribunal to order regularisation in terms of the provisions of the Industrial Disputes Act. Therefore, it is prayed that this Honourable Tribunal may be pleased to pass an award as prayed for in the claim statement.

5. When the matter was taken up for enquiry, one witness on either side was examined as W.W.1 and M.W.1 respectively and two documents on the side of the Management alone were marked as Ex. M1 and Ex. M2. No document has been marked on the side of the Petitioner. On completion of evidence on either side, the arguments advanced by the learned counsels on either side was heard.

6. The Point for my consideration is:—

"Whether the non-regularisation of Shri P. Kandeepan Temporary Part-time Sweeper of Indian Bank, Wandiwash Branch by the management is legal and justified? If not, what relief the workman is entitled to?"

#### POINT:

It is the specific allegation of the Petitioner that the workman P. Kandeepan is employed as a part-time sweeper from October, 1991 in the Wandiwash branch of Indian Bank against the permanent vacancy for Rs. 25 per day till June, 1996 and for Rs. 40 per day from July, 1996 to till date. The concerned workman as W.W.1 has deposed so. In the cross examination W.W.1 admits that he has been appointed as a part-time sweeper in 1991 by the Branch Manager of the Bank, one Mr. Shankaranarayanan and he was appointed orally and no order of appointment was given to him. The witness for the management, Manager, Head Office, Personal Department, Indian Bank has deposed that the concerned workman, Kandeepan has not been appointed as a part-time sweeper for Wandiwash branch of the Bank adopting the procedure to fill up the post of the sweepers in the Bank Branch. It is his evidence that sweepers will be appointed by the Zonal Manager and to fill up the post of sweepers in the branch, the branch manager usually write to the District Employment Exchange, calling for the list of candidates for the interview to the post and on receipt of one such list from the Employment Exchange, the branch manager used to forward it to the Regional Office for further action and the Regional Office in turn used to call the persons mentioned in the list for interview and conduct an interview for the post. After the result of the interview sent to the Zonal Office and the Zonal Manager will appoint the selected person. In para 4 of the counter of the Respondent, it is clearly alleged that in the present case the concerned workman was not appointed by the competent authority as per the procedure of regular appointment and he is being engaged by the Branch Management of Wandiwash branch only on casual basis. The rejoinder is filed by the first party. It is not alleged by the 1 Party in the rejoinder that the concerned workman was appointed by the competent authority as per the procedure of regular appointment. The procedure to be adopted by the Management for regular appointment has been clearly spoken to by M.W.1 in his evidence. That has not been disputed by the 1 party and nothing has been suggested in the cross examination of M.W.1 stating as what he states as procedure for regular appointment followed by the bank is incorrect. M.W.1 has reiterated in the cross examination by stating that it is incorrect to state that we are not adopting any reserved panel system and Shri Kandeepan has not been appointed as per the procedure of the Bank. The concerned workman as W.W.1, as stated earlier, has admitted in his evidence that he was appointed as a part-time sweeper by the then branch manager and it is an oral appointment and he was not given any order of appointment. From this it is evident that the concerned workman P. Kandeepan is working as temporary part-time sweeper of Indian Bank

Wandiwash Branch and he was not appointed by the competent authority as per the procedure for regular appointment being followed by the Respondent Bank Management. The allegation in the counter that the appointment will be made by the Zonal Manager for the suitable candidates from the list sponsored by the Employment Exchange has not been disputed or denied in the rejoinder filed by the first party. The learned counsel for the Respondent has put forth an argument that the concerned workman P. Kandeepan being engaged by the then branch manager of Wandiwash branch as temporary part-time sweeper on daily rate basis and he having continued so cannot ask the Management to regularise his service as a right. Because, he does not get that right by way of any standing orders or rule or by statute. For this argument the learned counsel relies upon the decisions of the Supreme Court reported as (1997) 4 Supreme Court cases 88, 'State of U.P. and others Vs. Ajaykumar'. In that case, the Honourable Supreme Court was pleased to hold that "the daily wagers are not entitled to regularisation". The learned counsel for the Respondent has relied upon another judgement of the Supreme Court reported as 1997 1 LLJ 1215, "E. Ramakrishnan and others Vs. State of Kerala and others". In that case, the Supreme Court has held that "the Govt. cannot regularise the services of adhoc employees contrary to the statutory requirement under article 320 of the constitution of India. The decision taken by the Government is contrary to constitution to regularise the services of the candidates de hors the recruitment rules and statutory positions for selection through the Public Service Commission". In this cited case, it was held that the Petitioner who had been continuing for more than 14 years cannot claim regularisation when Public Service Commission had selected candidates for the post. The learned counsel for the Respondent had relied upon another judgement of Supreme Court reported as AIR 1992 Supreme Court 2070, "Director, Institute of Management Development U.P. Vs. Smt. Pushpa Srivastava". In that case, Supreme Court has held that "ad hoc appointment and continuous service cannot be a ground for claiming that appointee is entitled to regularisation in service. He cannot claim regularisation in service on basis that he was appointed on ad hoc basis for more than a year". These judgements of Supreme Court are squarely applicable to the facts of this case. The concerned workman was engaged by the branch manager as a temporary part-time sweeper of the branch on daily wages basis without any regular order of appointment and he is not a competent authority to fill up the vacancy of the permanent post of part-time sweeper. So on the basis of the decisions of the Supreme Court, the concerned workman is not entitled to regularisation in service and he cannot claim it as a right on the basis that he worked as a casual employee for a continuous considerable time.

The Respondent is relying upon ban on fresh recruitments imposed by the Reserved Bank of India by the circular dt. 12-08-1996 i.e. with regard to fresh recruitments. Admittedly the concerned workman has been engaged on daily wages basis in Oct. 1991 and this is a case for regularisation of service. As argued by the learned counsel for the Petitioner, the said circular of the Reserve Bank of India dt. 12-08-1996 is not applicable to this case, since this dispute does not relate to the fresh appointment for recruitment. Hence the Ex. M1 & M2 which deals with fresh recruitments are not applicable to this case. The learned counsel for the Petitioner has relied upon Section 3 of Tamilnadu Industrial Establishment Confirmation of Permanent Status to Workmen Act, 1981, stating that it confers permanency to workman on completion of 480 days of continuous work of 24 calendar months and argued that since the concerned workman had completed 480 days of continuous service, he ought to have been regularised from the date on which he has completed 480 days. As it is correctly stated in the counter by the Respondent, the provisions of Tamilnadu Industrial Establishment (confirmation of permanent status to workman) Act, 1981 will not be applicable to the 1 Party Indian Bank Management, which is a Nationalised Bank. Further in view of the above mentioned Supreme Court decisions also, the 1 Party Claimant cannot be heard to say that the non-regularisation of the concerned workman, Kandeepan, part-time sweeper, Indian Bank Wandiwash Branch by the Management of Indian Bank is illegal and unjustified and hence the first party claimant which is espousing the cause of the workman P. Kandeepan cannot get the relief as prayed for in this Industrial Dispute. Hence, the non-regularisation of Sh. P. Kandeepan, tem-

porary part-time sweeper of Indian Bank wandiwash Bank by the Management is held to be legal and justified and the concerned workman is not entitled to any relief. Thus I answer the point accordingly.

In the result, an award is passed holding that the first party claimant is not entitled to any relief prayed for in this Industrial Dispute and as such a no relief award is passed without cost.

Dictated to the Typist and typeed by her direct and corrected and pronounced by me in the open court on this day, the 09th January, 2001.

K. KARTHIKEYAN, Presiding Officer

#### WITNESSES EXAMINED

#### FOR CLAIMANT

W.W.1 — Sh. P. Kandeepan

#### FOR MANAGEMENT

M.W. 1 — Sh. D. Balasubramanian

#### DOCUMENTS MARKED

For Claimant/I Party : None.

For Management/II Party

Ex. No.	Date	Description
---------	------	-------------

M1	12-8-1996	Communication from Reserve Bank of India to Indian Bank (Xerox copy)
----	-----------	--

M2	8-11-1996	Communication from Reserve Bank of India to Chairman, Indian Bank (Xerox copy)
----	-----------	--

नई दिल्ली, 19 जनवरी, 2001

का. आ. 328.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल-12011/176/99-आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 19th January, 2001

S.O. 328.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 17-1-2001.

[No. L-12011/176/99-IR(B-II)]  
C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday the 9th January, 2001

#### PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 39/2000

(In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Claimant and the Management of Bank of India, Chennai).

#### BETWEEN :

The General Secretary  
Bank of India Staff Union  
Chennai

Claimant/I Party

#### AND

The Zonal Manager  
Bank of India  
Southern Zone  
Chennai

Management/II Party

#### APPEARANCE :

For the Workman : Authorised Office Bearer of the Union, Sh. C. P. Chandrasekaran

For Management : M/s S. Ramasubramaniam & Associates Advocates

Reference : No. L-12011/176/99-IR(B-II) dated 29-2-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 6-12-2000 upon perusing the reference, claim statement, counter statement and other material papers on records, the documentary evidence let in on either side and upon hearing the arguments of the authorised representative of the Claimant and the counsel for the Management, M/s. S. Ramasubramaniam & Associates, Advocates and this dispute having stood over till this date for consideration this tribunal passed the following :—

#### AWARD

This reference by Central Govt. in the exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 in respect of the dispute between Sh. R. Baskaran Workman and the Zonal Manager, Southern Zone, Bank of India, Chennai, Management mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :

"Whether the Management of Bank of India is justified in awarding punishment of withdrawal of special allowance of Head Cashier 'C' permanently to Sh. R. Baskaran? If not, to what relief the employee is entitled?"

1. On receipt of this reference, this Industrial Dispute has been taken on file of this Tribunal on 4-8-2000 as Industrial Dispute No. 39/2000. On receipt of the notice from this Tribunal, both the parties appeared, with I party's authorised representative and the counsel of the II Party and filed their respective claim statement and counter statement.

2. The averments in the claim statement of the Claimant/I Party are briefly as follows :—

The I Party/Claimant (hereinafter mentioned as 'Petitioner') is the General Secretary, Bank of India, Staff Union, Chennai is raising this Industrial Dispute on behalf of the Workman R. Baskaran. The concerned Workman R. Baskaran joined the services of the II Party/Bank Management (hereinafter mentioned as 'Respondent') as a Cash-cum-Accounts Clerk on 10-10-1981. Subsequently he was assigned the work of Cashier-in-charge. Except for the incident in question, he has blemishless service of 14 years. The Workman was a Branch Secretary of the Petitioner Union at Velayuthampalayam Branch. He adhere to the strict procedural guidelines/instructions with regard to Banking transactions. The employee concerned here acted within the rules and regulations and guidelines of the Bank for which charge sheet had been issued and he was imposed with the punishment of withdrawal of special allowance of Cashier category 'C' permanently. The Workman Baskaran was on leave from 14-8-1995 due to massive heart attack. He was asked to report for duty by the Bank. He joined duty on 11-10-1995 and within ten minutes of reporting he was suspended and charge sheet was issued and an enquiry was posted for 18-10-1995. Because of the active trade union participation of the concerned employee and that he was adhering to the rules and procedural guidelines of the Bank as against the utter disregard for the same by two of the

Branch Officers who used the Bank's machinery in order to victimise this employee. The Bank issued the charge sheet dated 27-09-1995 narrating 09 incidents of misconduct. The employee was suspended with effect from 11-10-1995. The enquiry officer held charge Nos. 1 and 8 as proved and charge No. 6 partly proved. Accepting the enquiry report, the disciplinary authority and appellate authority imposed the aforesaid punishment. The charges have been framed in order to victimise the employee for some reason or other. Charge No. 1 relate to the act of employee refusing to accept the cash and account the same for the same day's transaction, on the ground that the cash was received late for the day after business hours. But to this effect no complaint from the customer was placed in the enquiry by the Bank. The charge sheeted employee gave a detailed explanation denying the charges. The business hours of the Bank's branch at Velayuthampalayam is only 4 hours i.e. between 10 a.m. and 2 p.m. The employee is bound to accept the cash during the business hours. Admittedly on 06-05-1995 a sum of Rs. 7.50 lakhs was brought in by the relatives of V. Sabapathy, Armed Guard after 2 p.m. and the cash was handed over to the branch manager. The cash was counted by S. Alex, Cash-cum-Accounts Clerk, S. Manivannan, S. Kolaindaivelu and P. Asokan, Cash-cum-Accounts Clerks. The procedure is that the receipt cashier has to count the incoming cash, sort out as issuable and non-issuable currency, section it, stitch it, sign it and then hand over to the concerned workman in this dispute to recount and countersigned. All these aforesaid 4 persons took sufficient time to count the cash outside the cash cabin. But unfortunately, it was not sorted out, stitched and signed by any of them. Hence Baskaran expressed his inability to accept the cash as it is at about 4.30 p.m. and informed the Branch Manager that the collected on that day was after business hours and therefore could be accounted/credited as of the next day only. Owing to the above said reason. Had the manager asked all the cashiers who counted the cash to sort out, stitch and signed the sections they counted even then the cash could not have been accounted for on the same day as the transaction was beyond the business hours. But only to harass Baskaran, he was asked to account it on the same day knowing pretty well that it could be next to impossible under the prevailing condition. Velayuthampalayam area is notorious for fake currency and Baskaran has already taken up this issue at the Zonal Manager level and the issue of non-lodgement of police complaint by the Manager. Through the Petitioner Union Baskaran had informed the Zonal Manager about the Manager not taking steps to prevent the fake currency being circulated. This provoked the Branch Manager and after 1 year and 5 months even without a preliminary information to Baskaran, fabricated charges have been framed. And Baskaran cannot own responsibility for the cash counted by the other cashiers. During the enquiry it was pointed out through the defence witness and the Management witness that the counting was over only beyond 4 p.m. The Manager had also accepted the same. On 04-05-1994, it was a non-banking day and on 05-05-1994 was officer's strike and the relevant customer came to the Bank on 06-05-1994 after business hours. On 6th, there were 62 receipts and 69 payment transactions. That apart 6th was jewel loan disbursement day. It was very difficult to handle the cash of Rs. 7.50 lakhs having 96 sections after the banking business hours. In any event, Baskaran was right in accepting the cash as late receipt and this was also accepted and regulated by the Branch Manager for the next day. Enquiry Officer unfortunately brushed aside the evidence in support of the Workman and instead held that the evidences are in support of Bank's version. A glance of the evidence will amply prove that the employee was not at all concerned with the incident and the findings of the Enquiry Officer that the charges are proved, is perverse. All the Management witnesses in support of charge No. 1 have deposed that the amount of Rs. 7.50 lakhs came to the Bank only after 2 p.m. and the same was accepted by the Bank and the cash was accepted as late receipt. The Manager had received the cash after 2 p.m. is proved from the fact that he made a remark on the voucher as late cash received as of 07-05-1994 at 3 p.m. This voucher has been marked as entry series in the enquiry. Hence the disciplinary authority erred in imposing the aforesaid punishment accepting the perverse findings of Enquiry Officer shows total non-application of mind. The appellate authority has also confirmed this punishment and the orders suffers from lack of application of mind. Neither the disciplinary authority nor the appellate authority had taken into account the past record of blemishless

service before imposing the punishment. The Enquiry Officer refused to record crucial questions and documentary evidence like late receipt of cash covers on early occasions, nearly 65, to prove that the cash which were received beyond 2 p.m. are taken as late receipt and accounted/credited on the next working day and Baskaran never acted against the interest of the Bank at any time. Hence the Workman was not given sufficient opportunity to defend himself in the enquiry and hence the enquiry has to be set aside. Regarding charge No. 6 relating to discourteous attitude towards customer, Noormohammad by informing him on 28-04-1995, 02-06-1995, 01-07-1995 and on 04-08-1995 that he should bring higher denomination notes and not to bring smaller denominations of notes. The Petitioner states that the Baskaran was on leave on 02-06-1995 and 01-07-1995. On 28-04-1995, the customer brought only higher denominations. Only on 04-08-1995, the customer brought smaller denominations and insisted for the counter foil immediately. Baskaran never behaved with any customer discourteously more particularly with Noormohammad. Admittedly, Baskaran was the Payment Cashier and Manivannan was the Receipt Cashier. On 04-08-1995 the customer Noormohammad brought a sum of Rs. 39,000 with smaller denominations consisting of Re. 1 coins, cut notes, soiled notes and remitted in the current account of one V. R. Chidambaram and not in the loan account of Noormohammad as stated in the charge sheet. On none of the aforesaid 4 days Noormohammad remitted any cash in his loan account as emphatically stated in the charge sheet as evident from the documentary evidence M3(9) to M3(12). All the statements of Noormohammad are fabricated one. And there is no loss to the Bank's business as stated in the charge sheet. When the enquiry officer erroneously held that the incident on 04-08-1995 has proved. The evidence of Manivannan is very clear that Baskaran did not deal with the customer directly or discourteously. There was no cross examination by Presenting Officer. Even the Noormohammad as M.W.1 has not stated that Baskaran had behaved with him discourteously. Even the Management witness does not depose that Baskaran behaved with an indifferent attitude towards the customer. The evidence is contrary to the documentary evidence on record. The Enquiry Officer has unfortunately held that Baskaran behaved in an ruffian manner and in fact that was not deposed by the Management witnesses themselves. The finding of the enquiry officer in ignoring the evidence of D.W.4 and holding the charge that the Baskaran behaved with the customer in indifferent way on 04-08-1995 alone is perverse and one sided. The disciplinary authority and appellate authority without giving any reasons has accepted the findings of the Enquiry Officer and imposed the punishment. Regarding charge No. 8 the evidence of D.W.8 and D.W.10 is very clear that Baskaran did not protest in entertaining jewel loan applications from granting of jewel loan. They have stated that the acting Branch Manager, Rajappa has only expressed them about his difficulty in granting loan as there were no enough staffs available to do the work. Unfortunately, the Enquiry Officer has misquoted and stated that the evidence of D.W.8 and D.W.10 are not supporting the case of the Workman. The Workman was not given subsistence allowance as per the bipartite settlement. The subsistence allowance paid for the month of October 1996 was recovered from the subsistence allowance payable in the month of November 1996. The findings of the Enquiry Officer are contrary to the admitted evidence on record and is perverse. The punishment imposed by the disciplinary authority as confirmed by the appellate authority shows non application of mind. The charges are not at all established in the enquiry and the punishment imposed on the Workman is harsh and is liable to be set aside. The Workman Baskaran was punished for no fault of his. Hence it is prayed that this Honourable Tribunal may be pleased to hold that the punishment imposed by the Respondent Bank is not justified and consequently direct the Bank to restore the special allowance of Cashier category 'C' to Baskaran and pay him all the benefits to which he is entitled and award cost.

3. The averments in the counter of the Respondent are briefly as follows :-

The 9 incidents/acts of Shri Baskaran enumerated in the charge sheet were considered as gross misconduct in terms of para 19.5(j) of the first bipartite settlement dated 19-10-66. Mr. V. Gopal, Dy. Chief Manager, Coimbatore Branch as the appointed Enquiry Officer, conducted the enquiry at Velayuthampalayam Branch. The enquiry which commenced



n 19-10-1995, was concluded on 27-09-1996. Mr. C. P. Chandrasekaran fully participated in the enquiry as defence representative for Mr. R. Baskaran. Witnesses examined on behalf of the Management were cross examined by the defence representative. After examination of Management witnesses, defence witnesses were examined. After the conclusion of the enquiry on 27-07-1996 the defence representative filed his written arguments on 26-08-1996 and the Presenting Officer submitted his written documents dated 08-08-1996. The Enquiry Officer in his report has given finding that the acts which happened on 06-05-94, 04-08-95 and 08-03-94 as detailed in the charge sheet had been proved and accordingly found Mr. Baskaran guilty of the charged misconduct. On the basis of the Enquiry Officer's findings, disciplinary authority issued a show cause notice dated 10-10-96 enclosing herein a copy of the Enquiry Officer's report and findings and directed Mr. Baskaran to submit his explanation regarding the proposed punishment. Mr. C. P. Chandrasekaran submitted his representation regarding the findings of the Enquiry Officer and also on the proposed punishment in the personal hearing. The disciplinary authority of the Bank after considering the papers and the submissions made by Mr. C. P. Chandrasekaran passed the order of punishment dated 30-11-1996. As per clause 21(iv)(e) of bipartite settlement dated 14-02-95, the appellate authority passed an order dated 07-03-97 rejecting the appeal preferred by Baskaran and confirmed the punishment imposed by the disciplinary authority. The findings of the Enquiry Officer was not perverse and one sided. The disciplinary authority has correctly accepted the findings of the Enquiry Officer after having gone through the proceedings. Correctly passed the punishment order. The appellate authority also has correctly upheld the order passed by the disciplinary authority. There is nothing on record to show that the order of punishment could be set aside. The disciplinary authority has clearly mentioned in the order of punishment dated 30-11-96 that Mr. Baskaran is not entitled for any other allowance than the subsistence allowance which was correctly paid during the period of suspension pending enquiry. The question of entitlement of any back wages for the period referred to does not arise. In case if this Honourable Tribunal come to the conclusion that the enquiry conducted was not fair and proper, the Respondent Bank should be afforded an opportunity to adduce additional evidence before this Honourable Court to prove the charges. In the circumstance it is prayed that this Honourable Tribunal may be pleased to dismiss the dispute as justified and confirm the order of punishment imposed by the Bank.

4. The Petitioner has filed a rejoinder for the counter filed by the Respondent denying the allegations in the counter referring to the different incidents mentioned in the charge sheet again, as incidents quoted by the Respondent Bank only to victimise the Workman Mr. Baskaran. What that has been already stated in the claim statement has been reiterated as an emphasis.

5. When the matter was taken up for enquiry, the counsel on either side gave consent to mark the documents filed on either side as Exhibits W1 to W3 and M1 to M3 respectively. The authorised representative for the Petitioner and the counsel for the Respondent have advance their respective arguments.

6. The Points for my consideration is:—

- (1) Whether the enquiry conducted by the Enquiry Officer was fair and proper following the principles of natural justice and by giving sufficient opportunity for the charged official to defend himself in the enquiry, and whether the findings of the Enquiry Officer in his report are not supported by evidence and are in a perverted manner?
- (2) "Whether the Management of Bank of India is justified in awarding punishment of withdrawal of special allowance of Head Cashier 'C' permanently to Shri R. Baskaran? If not, to what relief the employee is entitled?"

Point No. 1: It is admitted that the workman concerned in this Industrial Dispute Shri R. Baskaran, when he was working as Clerk-cum-Cashier in Velayudhapalayam Branch of the Respondent Bank was served with the charge sheet dt.

27-09-1995 for the alleged misconduct. The said charge sheet is Ex. W1. It is also admitted that a disciplinary proceeding was initiated by appointing one Shri V. Gopal, Dy. C. M., Coimbatore Branch as a Enquiry Officer to enquire into the charges levelled against him in the said charge sheet and to submit his findings. Accordingly, the Enquiry Officer conducted the enquiry and submitted his report. On 06-09-96, the xerox copy of the same is Ex. M2. Ex. M1 is the Enquiry Officer's daily order sheet dated 9-10-1995, wherein he has informed the charge sheeted employee and the presenting officer Shri N. Ramamiruban to attend the preliminary hearing on 19-10-1995 at 10.00 a.m. at Bank of India, Velayudhapalayam Branch. It is the contention of the Petitioner in the claim statement that the findings of the Enquiry Officer that the charge is proved is perverse and the workman was not given sufficient opportunity to defend himself in the enquiry and hence the enquiry has to be set aside. So, it has to be found out from the Enquiry Officer's report as to whether the enquiry conducted by him against the charge sheeted employee Baskaran was fair and proper following the principles of natural justice, whether the workman Baskaran, as charged sheeted employee was given opportunity to defend himself in the enquiry and whether the findings of the Enquiry Officer in his report are perverted without any evidence to support his findings.

7. A perusal of Ex. M3 report of the Enquiry Officer shows that, he found, that, out of the 9 incidents mentioned in the charge sheet, incident Nos. 1, 6(c) and 8 have been proved and the other incidents mentioned in the charge sheet has not been proved. In his report, he has dealt with separately all the 9 incidents and has examined witnesses for the Management as well as witnesses for the defence and recorded the evidence in the presence of charge sheeted employee Baskaran and the witnesses of the Management examined by the Presenting Officer, were cross examined by Defence Representative Shri P. C. Chandrasekaran. In all the depositions of the witnesses examined in enquiry, it is seen that the defence representative has cross examined those witnesses and has also subscribed his signature at the end. From this it is seen that contrary to the allegation of the claimant in the claim statement, the Enquiry Officer has conducted the enquiry in the fair and proper manner following the principle of natural justice, giving sufficient opportunity for the charge sheeted employee, to defend himself in the enquiry. In the enquiry as it is seen from the enquiry report Ex. M2 for the first incident, 3 witnesses for the Management and 7 witnesses for the defence where made to speak about this incident. For incident No. 6, 2 witnesses for the Management and 2 witnesses for the defence were examined and for incident No. 8, 2 witnesses for the Management and 4 witnesses for the defence were examined. A perusal of the enquiry report clearly shows after perusing the oral as well as documentary evidence let in on either side in the enquiry, the Enquiry Officer had come to the conclusion that out of the 9 incidents of alleged misconduct stated in the charge sheet against the employee Baskaran, incident Nos. 1, 6(c), 8 only proved and other incident Nos. 2, 3, 4, 5, 6(a), 6(b), 7 and 9 are not proved. For having come to this conclusion, sufficient oral and documentary evidence had been produced before him. Under such circumstances, it cannot be said that the findings of the Enquiry Officer in his report are perverted—against the weight of evidence and there is no evidence to support for the findings of the Enquiry Officer. Thus I answer the point accordingly.

8. In view of my above findings, it can be easily concluded that as it is decided by the Supreme Court in 1998 1 LLJ 629 SC, "Secretary to Government, Home Department and others Vs. Srivaikundatham", there is no scope for this Tribunal to interfere with the findings of Enquiry Officer, since, the findings of the Enquiry Officer in this case are not perverse. But supported by sufficient evidence. In view of this conclusion, there is no necessity to set aside the enquiry.

9. Subsequent to the submission of report by the Enquiry Officer to the disciplinary authority, a show cause notice has been given to this workman Baskaran by the disciplinary authority. It is dated 10-10-1996. It is Ex. W2. In that show cause notice, a punishment proposed to be imposed has been mentioned and the employee Baskaran was advised to submit his representation regarding the findings of the enquiry and to show cause as to why the punishment proposed should not be imposed on him. For this show cause notice the charge sheeted employee Mr. Baskaran along with

the defence representative, Mr. C. P. Chandrasekaran made a written representation dated 18-11-1996. The xerox copy of the same is Ex. M3. After considering the submission made by Baskaran in the personal hearing also, the disciplinary authority passed an order dated 13-11-1996 under Ex. W3 imposing the punishment of withdrawal of special allowance of Head Cashier permanently as per clause 21 IV c of bipartite settlement dated 14-02-1995. In that order of punishment, the disciplinary authority has mentioned that the charges levelled against the Baskaran and proved in the enquiry are quite serious in nature in as much as acts of misconduct committed by him are highly prejudicial to the interest of the bank and has also stated that the punishment imposed is commensurate with the gravity of misconduct proved in the enquiry against this order of punishment, the appeal preferred by Mr. Baskaran before the appellate authority, was also rejected by the appellate authority, confirming the punishment imposed by the disciplinary authority. It is the contention of the Petitioner that the disciplinary authority and the appellate authority had not taken into account the past record of blemishless service before imposing the punishment. It is not disputed in the counter filed by the Respondent. It is simply stated in the counter, that the past record of Mr. R. Baskaran has no relevance with the imposition of punishment. So, admittedly nothing has been put forth by the Management against this employee, Baskaran as his past records are bad. The allegation in the claim petition that the workman R. Baskaran has blemishless service of 14 years is not disputed. Under such circumstances, it is to be found out, whether the punishment imposed by the disciplinary authority which is subsequently confirmed by the appellate authority against the workman Baskaran for the charges proved in the enquiry, is a deterrent punishment which will commensurate with the gravity of misconduct proved in the enquiry. It is seen from the enquiry report, Ex. M2 that the Enquiry Officer has given a finding that out of the 9 charges, only 2 charges and a partial charge No. 6 had been proved. Further there is no positive direct evidence is available to come to the conclusion that because of the proved misconduct of the workman Baskaran is highly prejudicial to the interest of the Bank and it is irresponsible to the customers sensibilities. From the proved charges it is seen that the workman, Baskaran has refused to bring into account on the same day the cash received on 06-05-1994, in spite of his Branch Manager, who is superior to him instructed him to do so, after rendering all help through other employees, this amounts to his insubordination. When he was asked to do the work as per the instruction of the Branch Manager, he cannot bluntly refuse to accept the cash for the same day. Because of his refusal only, the Manager had to sign it as late cash collection for the day. So, when considering all these things it can be easily concluded that the workman concerned has committed the misconduct of insubordination and discourteous treatment to the customers of the Bank. All put together it is seen, the punishment imposed by the disciplinary authority which is confirmed by the appellate authority is a deterrent one and not commensurate with the gravity of misconduct proved in the enquiry. So this Tribunal comes to the conclusion that though the Management of Bank of India is justified in awarding punishment to the workman, R. Baskaran for his proved misconduct, the punishment imposed by the Management by withdrawal of special allowance of Head Cashier (C) permanently is not justified. So, a lesser punishment of withdrawal of special allowance of Head Cashier (C) to Shri R. Baskaran for a period of 2 years instead of the punishment imposed will meet the ends of justice. In that way, the employee R. Baskaran is entitled to other attendant benefits. Thus the Point No. 2 is answered accordingly.

In the result, an award is passed holding that the punishment of withdrawal of special allowance of Head Cashier (C) permanently to Shri R. Baskaran awarded by the Management of Bank of India is not justified, since it is a deterrent punishment not commensurate with the gravity of the proved misconduct of Shri R. Baskaran and a punishment of withdrawal of special allowance of Head Cashier (C) for a period of 2 years to Shri R. Baskaran is justifiable one and it is modified as such. The concerned employee is entitled for other attendant benefits. No cost.

Dictated to the Typist and typed by her direct and corrected and pronounced by me in the open court on this day the 9th Jan. 2001.

K. KARTHIKEYAN, Presiding Officer

Witnesses examined :

For Claimant—None.

For Management—None.

Documents Marked :

For Claimant :

Ex. No.	Date	Description
W1	27-09-1995	Charge sheet issued to Shri R. Baskaran, Clerk-cum-Cashier.
W2	10-10-1996	Show cause notice proposing punishment given to Shri R. Baskaran.
W3	30-11-1996	Punishment Order.

For Management :

Ex. No.	Date	Description
M1	09-10-1995	Enquiry Officer's Daily Order Sheet (Xerox copy).
M2	06-09-1996	Xerox copy of Enquiry Officer findings report.
M3	18-11-1996	Xerox copy of representation submitted by Shri R. Baskaran.

नई दिल्ली, 19 जनवरी, 2001

का. आ. 329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यकी बैंक के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2001 को प्राप्त हुआ था।

[मं. एन-12012/293/99-आई आर (बी-11)]  
सी. गंगाधरण, अव्वर सचिव

New Delhi, the 19th January, 2001

S.O. 329.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 19-1-2001.

[No. L-12012/293/99-IR(B-11)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL PATNA

Reference No. 1(c) of 2000

Management of UCO Bank, Patna and their workman Sri Pawan Kumar.

For the Management Sri P. K. Sinha, A.C.O. UCO Bank, Patna.

For the Workman : Sri B. Prasad, State Secretary, UCO Bank Employees Association, Patna.

PRESENT :

Sri S. K. Mishra, Presiding Officer, Industrial Tribunal, Bailey Road, Patna.



## AWARD

Dated the 10th January, 2001

The Central Government by Notification No. L-12012/293/99-IR(H-II) dated 25-05-2000 has referred the following industrial dispute between the Management of UCO Bank, Patna and their workman Sri Pawan Kumar to this Tribunal for adjudication :—

"Whether the action of the Management of UCO Bank in not considering the claim for reinstatement and regularisation of the services of Sri Pawan Kumar as Peon and terminating/discontinuing him from service w.e.f. 6-5-1997 is legal and justified? If not what relief is the disputant entitled to?"

2. After receipt of the notification notices were issued to both sides and both sides have appeared and filed their respective written statements.

3. The case of the workman as it appears from his written statement of claim is that he was orally appointed by the Management of UCO Bank to discharge the duties of a Peon on and from 6-5-1994 in Barhiya Branch. After the appointment the workman used to perform all duties of a Peon such as taking out ledgers/Registers from the Almirah and placing the same on the Table and Vice-versa, taking out cash box, tokens from the Strong Room and placing the same in Cash Department and vice-versa, carrying token book, scroll, register from Account Department to Cash Department, stitching of vouchers/currency notes, posting of mails to post office and delivery of dak through Bank's Peon Book, serving tea, water to the members of Staff and customers and such other works as were entrusted to him by the Manager. The workman performed duties from 10 A.M. to 6 P.M. regularly. Initially he was paid wages at the rate of Rs. 40 per day which was subsequently raised to Rs. 60 per day. It is said that the Branch Manager discontinued to take any work from him w.e.f. 7-5-1997. The action of the Manager in stopping the workman from performing his duties comes within the definition of retrenchment as provided in section 2(oo) of the Industrial Disputes Act. At the time of termination neither any notice nor any pay in lieu of notice was given to the workman. Although the workman was performing the identical duties of a permanent Peon he was being paid much less wages ignoring the provisions of 'equal pay for equal work' as provided in Article 39 of the Constitution. The workman thus continuously worked for more than three years and also worked for more than 240 days in a Calendar year. After the termination the workman met the Branch Manager of Barhiya Branch and the Regional Manager several times but without any result. Then the workman approached the sponsoring union and as the result the industrial dispute was raised before the Conciliation Officer. But due to stubborn attitude of the Management the conciliation proceeding ended in failure. After submission of the failure report of conciliation the Government of India examined the merit of dispute and ultimately they have referred the same for adjudication before this Tribunal. It is the case of the workman that he was discharging the duties of a peon against a permanent vacancy. The action of the Management in not considering the claim of the workman for reinstatement and regularisation is neither legal nor justified. The Management violated the mandatory provisions of Section 25F of the I.D. Act. The Management being State it violated the principle of 'equal pay for equal work'. The Management instead of regularising the services of workman as per the bipartite settlement terminated his services ignoring the law of the Land. According to the workman he is entitled for reinstatement with payment of back wages from the date of his termination and also for regularisation of his service as a peon in Bank subordinate cadre.

4. The case of the Management as it appears from their written statement in brief is that the Reference of the dispute is bad in law. The workman was engaged by the Manager of Barhiya Branch of UCO Bank on the casual basis for performing certain contingent nature of work. The Branch Manager had no authority to engage any casual worker and hence, his engagement is void ab initio. Ever since the nationalisation of the Bank it has become a State within the meaning of Article 12 of the Constitution of India and is obliged to function with the para meter of Articles 14 and 16 of the Constitution of India in the matter of

appointment. In the present case there was no advertisement calling for application from other candidates. No requisition of any other candidate was obtained from the Employment Exchange. Thus the usual norms of appointment were not followed. In the present case Sri Pawan Kumar was purportedly engaged ignoring the entitlement of engagement of hundred of other unemployed individuals possessing identical, if not better, qualifications. Since Pawan Kumar was engaged unconstitutionally he can not maintain a legal right for continuation in the guise of provisions of the I.D. Act. In the circumstances, according to the Management, the Authority functioned mechanically and without application of mind in entertaining the request to initiate the conciliation proceeding and later referring the matter to Industrial Tribunal.

5. The further case of the Management is that there was no vacancy in the Branch. Moreover, the Reserve Bank of India had put a ban on recruitment of staff as per their letter dated 26-6-1996. The Ban continues as per the subsequent letter of Reserve Bank of India dated 16-12-1997 so it became imperative for healthy economy to prevent wasteful expenditure by discharging unwanted and illegally engaged individuals. On 29-3-1997 the Zonal Manager of the Bank directed that no engagement of casual workers except those who stand empanelled as casual workers would be made by any Branch Manager. If any Branch Manager or Head of the office was found engaging any, casual worker he will be personally held responsible. Direction was also made to all Branches and Offices to immediately disengage daily casual workers other than empanelled casual workers. It is denied that Sri Pawan Kumar was even appointed to discharge the duties of a Peon. The wages paid to the workman were adequate in consideration of doing casual and contingent nature of job. There can not be any question of any termination of service since there was no appointment made. Since the services of the casual worker were not required and hence, no engagement was made after 6-5-1997. According to the Management the workman is neither entitled to reinstatement nor regularisation of service. In the facts and circumstances the Management has prayed for passing an award holding that the concerned workman is not entitled to any relief.

6. A rejoinder has been filed on behalf of the workman to the written statement of the Management stating therein that this Tribunal must confine its adjudication on the terms of Reference and the matters incidental thereto as per Section 10(4) of the I.D. Act. This Tribunal can not go into the question of validity of the Reference. The Industrial Tribunal is a creation of Statute and it gets jurisdiction on the basis of Reference [S.C. cases (2000)(1)372]. Once a Reference is made it should be adjudicated within the conceptual framework of the I.D. Act. The questions which arise for determination in this Reference are whether Sri Pawan Kumar is a workman, whether the UCO Bank is an industry where he was engaged, whether he worked for 240 days in 12 calendar months preceding his termination and whether his termination is covered u/s 2(oo) of the I.D. Act. In the present case the answer to the above questions must be in affirmative and since the requirements of section 25F of the I.D. Act were not complied with at the time of termination, the workman is entitled for reinstatement with payment of back wages. He is also entitled for regularisation of service in subordinate cadre in view of the fact that he worked for a long period as casual worker and since he has been denied of 'equal pay for equal work'. So according to the workman instead of regularising his service the Management illegally terminated the same without compliance of provisions of section 25F of the I.D. Act.

7. The following questions arise for determination in this Reference :—

- (i) Whether the action of the Management of UCO Bank in not considering the claim for reinstatement of the workman Sri Pawan Kumar is justified and if not, to what reliefs the workman is entitled to?
- (ii) Whether the action of the Management of UCO Bank in not considering the claim of regularisation of

service of the said workman as Peon is justified and if not to what relief is he entitled?

#### FINDINGS

##### Issue No. (I):

8. Before embarking upon to decide the issues I intend to mention briefly the oral and documentary evidence adduced by both the parties in this Reference case. Only one witness has been examined from each of the sides. M.W. 1 Bhupendra Kumar is the Assistant Chief Officer, Regional Office, UCO Bank, Patna. In his evidence he has said that whenever any vacancy occurs in any Branch on account of death, retirement or transfer of staff no appointment is made against that vacancy in view of the bar imposed by the Reserve Bank of India. No appointment can be made disregarding the directive of the Reserve Bank of India. In cross-examination he has denied his knowledge whether any Probationary Officer has been appointed in the Bank recently. He has also said that he is ignorant about the facts of the present case, W.W.1 Pawan Kumar is the concerned workman himself. In his evidence he has fully supported his claim. He has stated that he worked from 6-5-1994 till the evening of 6-5-1997 in the Barhiya Branch of UCO Bank as daily rated worker. He was performing the duties of a peon such as placing the ledgers on the Tables, to bring token, scroll books, to carry cash box from the strong room etc. He was also required to go to the Post Office for posting and bringing the Dk of the Branch. He used to distribute intimation regarding bills through Bank's Peon book etc. He used to work from 9.45 A.M. till 5.30 or 6.00 P.M. every day. He worked continuously for three years. He has said that he was engaged in the Bank initially when a Peon Ganesh Prasad was promoted to a clerical cadre. Thus he worked against a permanent vacancy. He worked more than 240 days in 12 calendar months preceding his termination. He had been engaged orally and his services were discontinued also orally. Before termination no notice or pay in lieu of notice was given to him. In cross-examination he has said that the vacancy resulted on account of promotion of Ganesh Pd. has not yet been filled up. He used to avail Sundays and other holidays but he had not taken any leave.

9. As regards documentary evidence the Management has filed certain circulars of the Bank. Ext. M is the xerox copy of the circular of the Head Office dated 19-10-1989. This circular was issued in pursuance of the agreement arrived between the Management of the Bank and All India UCO Bank Employees Federation, United Commercial Bank Employees Association and All India United Commercial Bank Employees Federation. The agreement was signed on 12th October, 1989. It relates to empanelment and absorption of persons engaged on daily basis. According to this circular daily rated workers who worked 240 days continuously for the period of three years immediately preceding the settlement would be absorbed in the regular service of subordinate cadre. However it was made clear that those who were engaged as Water Boy on daily wages will not be eligible for absorption under the settlement. The detailed procedure for absorption of such casual workers has been laid down in the circular. Persons eligible for consideration who were to apply in terms of the agreement would be empanelled. Such workers would be absorbed against the vacancies immediately available in the Bank and others to remain in the panel for being absorbed in the permanent vacancies that arose in future. Ext. M-1 is another circular of the Head Office of UCO Bank dated 31-3-1990. According to this circular empanelled workers who could not be absorbed in permanent service on account of non-availability of vacancy their services would be utilised on daily wage basis in the leave vacancies of permanent members of subordinate staff until they were absorbed in the permanent service. In this circular a direction was made that in future there would be no engagement of casual worker except out of empanelled casual workers and such engagement if resorted to by the Branch Manager or Head of Office would make such Branch Manager and Head Office personally accountable for such lapse. Ext. M-2 is the another circular of the Bank dated 20-4-1997 regarding unauthorised engagement of casual workers. A direction was made for disengaging daily casual workers other than empanelled casual workers. Ext. M-3 is another circular of the Bank dated 29-3-1997. It is also with regard to unauthorised engagement of casual workers. Ext. M-4 is the circular of the Bank dated 29-12-1983

laying down the rules and procedure to be adopted for recruitment to the posts in the subordinate cadres. Ext. M-5 is a letter from the Reserve Bank of India dated 16-12-1997. It shows that the restriction for making any recruitment imposed in the UCO Bank in June, 1996 was to continue. It was made clear that there should not be any recruitment of staff including against vacancies resulted on account of retirement or resignation except recruitment of specialised Probationary Officers with prior approval of Reserve Bank of India and Government of India. The restriction may be relaxed in future depending on the Bank's record in regard to achievement of capital ratio of 3 per cent.

10. Some xerox copies of certificates granted by the Branch Manager with regard to the period of work performed by the workman have been exhibited on behalf of the workman. Ext. W is a xerox copy of the certificate granted by the Manager of Barhiya Branch of UCO Bank dated 26-6-1999 to the effect that the services of Pawan Kumar were utilised as a daily wage worker from 7-5-1994 to middle of 1997. Ext. W/1 and W/1-1 are the xerox copies of the letters of the said Branch Manager to the Divisional Office giving the particulars of the concerned casual workman. Ext. W/2 is the xerox copy of the letter of the Branch Manager, Barhiya Branch, UCO Bank dated 30-9-1999 addressed to the Regional Office, Patna giving details of the works done by the concerned workman from 1994 to 1997 and also the details of wages paid to him. In this letter it is also mentioned that Ganesh Pd. who was a Peon was promoted in December, 1993. The vacancy created on promotion of Ganesh Prasad has not yet been filled up and still lying vacant. This letter shows that Pawan Kumar worked in the Branch as daily wage worker for 203 days in the year 1994, 297 days in the year 1995, 292 days in the year 1996 and 94 days in the year 1997. It further shows that Pawan Kumar worked more than 240 days continuously in the 12 calendar months preceding his termination.

11. The fact that the workman Pawan Kumar worked on daily wage basis in the Barhiya Branch of UCO Bank from 6-5-1994 till 6-5-1997 is not denied by the Management, but according to the Management he had been engaged by the Management of UCO Bank, Barhiya Branch only on casual basis for performing certain contingent nature of work. But the Management has not adduced even any oral evidence to show that during the period of engagement Pawan Kumar was not performing the duties of a regular Peon. The workman in his oral evidence has supported his case that he was performing the duties of a regular peon during the period of his engagement. The certificates granted by the Branch Manager of Barhiya Branch (Ext. W and W/2) also do not show that the workman was performing only contingent nature of work. In its written statement the Management has stated that the services of the casual worker for doing contingent nature of job were not required and hence no engagement was made after 6-5-1997. But obviously it was not so. Apparently he was disengaged in view of the direction made by the Head Office vide circular letter Ext. M/2 and M/3. It was submitted on behalf of the Management that the prescribed procedure of recruitment to the post in subordinate cadre was not followed when Pawan Kumar was engaged. The vacancy was neither advertised nor applications from other candidates were invited. Names of prospective candidates were also not requisitioned from the Employment Exchange. Engagement was also made not in writing but orally. The Branch Manager unauthorisedly engaged the workman. He had no power to engage any daily rated casual worker. So according to the Management the employment of the workman was void ab-initio and so there can not be any question of termination of service. But in view of the established principle of law Pawan Kumar, though engaged irregularly and unauthorisedly by the Branch Manager, was a workman within the meaning of Section 2(s) of the I.D. Act. Termination of employment on the ground of appointment being illegal will itself qualify as retrenchment within the meaning of Section 2(oo) of the I.D. Act. The question of illegal or invalid appointment is quite foreign to the scheme of the I.D. Act. Section 2(s) of the Act which defines workman does not have any such distinction [1994 (2) P.L.J.R. 249]. A daily rated workman who has completed service for 240 days within the meaning of Section 25-B of the I.D. Act can not be terminated from service on the ground of misconduct without a departmental enquiry or without complying the provisions Section 25F of the I.D. Act, [1994 (2) P.L.J.R. page 669 and A.I.R. 1994 S.C. 1638].

Section 25F is applicable even to a daily rated workman who had continuously served 240 days in a year (1997)(II) S.C.C. Page 396. The fact that requirements of Section 25F of the I.D. Act were not complied before termination has not been denied. So the claim of the workman appears correct that since he was terminated from his job without complying the requirements of Section 25F of the I.D. Act, it is illegal and he is entitled for reinstatement with payment of back wages. I also decide the same accordingly. Accordingly the issue is decided and answered.

12. Issue No. (ii): The services of a casual worker irregularly appointed can be regularised in either of the following circumstances:—

- (i) Where there is a specific rule of the Bank governing the matter, or
- (ii) Where there is any bi-partite settlement between the Management of the Bank and workmen governing the matter.

In the present case the workman has not been able to show any rule of the Bank under which his services can be regularised. His services can not also be regularised on the basis of the settlement Ext. M since it has no prospective effect. The aforesaid settlement is in connection with regularisation of service of casual workers who were working in the Bank on the date of the settlement. It does not concern persons who were engaged as casual workers subsequently in spite of repeated prohibition by the Head Office of the Bank vide Ext. M/1 and M/2. Relying on the decision reported in A.I.R. 1997 S.C. page 1628 Ashwani Kumar and others Vs. State of Bihar and others the representative of the Management submitted that an employee whose entry in service is illegal being in total disregard of the recruitment rules has no case for regularisation. Further it was pointed out to me that in view of the restriction imposed by the Reserve Bank of India in making a fresh recruitment the Bank has not been able to regularise even those casual workers who were empanelled as early as in the year 1990 as per the circular Ext. M. It was submitted that some of the empanelled casual workers who could not be regularised had filed a writ petition before the Hon'ble Calcutta High Court. Even in respect of those empanelled workmen the Hon'ble Calcutta High Court directed the authorities to consider their cases and to absorb them when such restrictions were lifted by the Reserve Bank of India. The Hon'ble Calcutta High Court further directed the authorities not to be filled up any post until those casual workers were absorbed in the substantive post. Only xerox copy of the judgement of the Hon'ble Calcutta High Court has been filed in support of such contention. No certified copy has been filed.

13. In view of my above discussions I decide that the workman has no right to be regularised in service, his initial engagement having been illegal in total disregard of the usual norms of recruitment. Moreover the question of regularisation of his service does not arise at present until the restrictions imposed by R.B.I. is lifted and until the other casual workers who have already been empanelled are absorbed in the permanent posts. However the Management of the Bank may consider the question of regularisation of service of the present workman after the restriction is lifted by the Reserve Bank of India and after empanelled workmen are absorbed in permanent posts taking into consideration that the workman must have worked for years by that time under the Bank.

14. Thus as decided above the workman Pawan Kumar is entitled to be reinstated in service with effect from 7-5-1997 with payment of full back wages. The workman has no right to be regularised in service. The Management of the Bank is directed to implement this award within two months from the date of its publication. The reference is answered accordingly.

15. This is my award.

Dictated and corrected by me.

S. K. MISHRA, Presiding Officer

P.O., I.T., Patna  
10-1-2001.

नई दिल्ली, 23 जनवरी, 2001

का. घा. 330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतल के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम म्यायालय सखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/120/99-आई आर (बी-II)]

सी. गंगाधरान, जबर सचिव

New Delhi, the 23rd January, 2001

S.O. 330.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 22-1-2001.

[No. L-12012/120/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, LUCKNOW

Presiding Officer : Rudresh Kumar

ADJUDICATION

BETWEEN :

Satish Chandra  
S/o Shri Lalta Prasad Tamta,  
R/o I.V.R.I. Gate No. 2,  
Izzatnagar, Bareilly (U.P.)

AND

Regional Manager,  
Bank of India  
Zonal Office, U.P. Zone  
Mohini Mansion, 1 Nawal Kishore Road,  
Lucknow

AWARD

By reference No. L-12012/120/99-IR(B-II) dated 29-9-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) of Section 10 of I.D. Act, 1947 made over this industrial dispute between Satish Chandra S/o Sri Lalta Prasad and

Regional Manager, Bank of India, Lucknow for adjudication. The reference is re-produced as under :

“Whether the action of the management of Bank of India, Ghaziabad in awarding the punishment of dismissal from services to Shri Satish Chandra is in proportionate to the alleged misconduct committed by him or not ? If not what relief he is entitled to and from what date ?”

2. The aforementioned reference limits the scope of adjudication, to the point of the punishment alone. As such, adjudicating fairness of the disciplinary inquiry, resulting into punishment to the workman, is not appropriate. Thus, this Tribunal proposes to discuss salient features of the case together with its background to judge whether punishment of dismissal is not disproportionate to the proved misconduct of the workman ?

3. The workman, Satish Chandra, a Sub-staff, was in bank employment since March 14, 1981 and at time of the incident was posted at Civil Lines branch of the said bank at Bareilly. It is alleged by the management that on 7-5-1994 (Saturday) Mrs. Shikha Chandra was looking after the work of despatch besides her duties in Cash Cabin and she kept meagre amounts in the petty cash box. The petty cash box is not generally locked as the amount kept in it are used very frequently. The workman was also in the aforesaid cash cabin on 7-5-1994. On 9-5-1994 Mrs. Shikha Chandra found Rs. 500/- missing from the said box and she reported the matter to the higher authorities. The workman absented himself from duty without any intimation. On having come to know about the incident, the Manager of the bank sent two staff members Mr. Agarwal and Mr. V. S. Duggal to the house of the workman on 9-5-1994 to check up about missing amount of Rs. 500/-. The workman admitted in writing that he took out Rs. 500/- from the cash box on 7-5-1994 and assured to refund money on return to his duty. On 16-5-1994 he returned the money and thereby confirmed his confession about illegal removal of the money from petty cash box.

4. The management issued a charge sheet to the workman on 11-10-1994 taking the matter very seriously and charging him to have committed grave misconduct. The Branch Manager, Hapur, of the said bank was appointed inquiry officer. The workman was given adequate opportunity in the course of inquiry. The inquiry officer submitted his findings on 9-3-1995 and found the workman guilty of grave misconduct. The disciplinary authority after granting personal hearing to the workman on 23-9-1995 on the point of proposed penalty, imposed penalty of dismissal on 14-10-1995 in terms of para 21 (iv) (A) of the Bipartite Settlement. The appeal of the workman against the said penalty was dismissed on 5-12-1996.

5. The workman did not deny to have Rs. 500/- with him, but stated that the said amount was given to him for purchase of stamps which he could not do on account of sudden illness. The workman had denied of having removed the amount on his own.

6. The conclusion of the Inquiry Officer is not required to be discussed as the reference does not question fairness or propriety of the disciplinary inquiry. The inquiry found theft of Rs. 500/- by the workman on 7-5-1994 and subsequent deposit of the said amount on 16-5-1994.

7. Removal of Rs. 500/- from the petty cash box is, obviously, is a act of misconduct and tantamount to breach of trust. Banking services require utmost mutual trust amongst the employees and faith of the public in general. Removal of money as alleged irrespective of the quantum involved, is clearly a misconduct and erased credibility of the workman. However, it is to be seen whether the punishment of dismissal is not shockingly disproportionate to the misconduct proved against the workman.

8. In the present case, misconduct of this nature was committed by the workman for the first time as is proved on the basis of materials on record. There is no averment in the written statement filed by the management that workman had committed any such misconduct involving pecuniary matters, or cheating the customers in the past. Obviously, it was the first misdeed though very serious. The workman confessed to his misdeed on the very first occasion when two other bank employees contacted him on the instruction of the Asstt. Manager. He also gave in writing owing Rs. 500/- to the bank and on return to duty deposited the said amount. His gestures at initial stages demonstrate his remorse in committing the misdeed. On demand of the management he gave in writing also. These factors need to be taken into consideration in evaluating the quantum of sentence.

9. Mr. Pankaj Khare, the authorised representative of the management vehemently argued that punishment in such matters should be exemplary. This has been also the view of the Apex Court in such matter with a view to prevent erosion of public confidence in banks and he justified punishment of dismissal as rational and appropriate one.

10. Unfortunately, none appeared from the side of the workman to put his submissions. On the preceding date, the workman was present in person and had submitted that dismissal from service has rendered him a destitute and prayed for mercy.

11. In Asstt. General Manager, State Bank of India Vs. Thomas Jose and another, 2000-II LJJ 1599 (SC), the Hon'ble Supreme Court considered

appropriateness of punishment. In the said case, the delinquent employee had misappropriated funds from Saving Bank account of a customer. The court took the view that such misconduct should not be taken lightly and modified the punishment of reinstatement without backwages by additional punishment stopping increments for 10 years. The court did not agree with plea of the management to award dismissal from service. In an earlier case *Scooter India Ltd. Vs. Labour Court*, AIR 1989 SC 149, the court observed:

"an errant workman should be given an opportunity to reform himself and prove to be a loyal employee."

12. In the present case, the workman, nodoubt, removed Rs. 500 from petty cash box soon after admitted his guilt and gave in writting, instead of denying his misdeed. He also deposited the amount as soon as joined his duties after few days. He did not plead his innocence during the domestic inquiry or in this adjudication. In absence of his confession, it would have been very difficult for the management to workout theft of this nature, there being no direct evidence. The repentence shown by the workman, especially, the misconduct of such nature being the first one, warrant sympathetic consideration to provide an opportunity to him to reform and prove a loyal employee. Punishment by dismissal resulted into forfeiture of his service benefits beside rendering him disqualified for future jobs. Even in criminal cases of theft involving such amount, the benefit of probation is obligatory unless denied for reasons to be recorded and benefit of probation is given to the convict in first offence, beside he is saved from disqualification by statutory safeguard. In the aforesaid background, it seems appropriate to modify punishment of dismissal by reinstating the workman without back wages and denying him five future increments with cumulative effect.

13. Accordingly, the workman is entitled to be reinstated without back wages and in addition not entitled to five future increments with cumulative effect. The punishment of dismissal is quashed and substituted as above.

Lucknow

10-1-2001

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 24 जनवरी, 2001

का. प्र. 331 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद

नं. 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं. एल-41012/01/93-आई प्रार (बी यू) (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2001

S.O. 331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Eastern Railway and their workman, which was received by the Central Government on 23-01-2001.

[No. L-41012/01/93-IR(DU)/(B-1)]

AJAY KUMAR, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

### PRESENT:

Shri Sarju Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 108 of 1994

### PARTIES:

Employers in relation to the management of Eastern Railway and their workman.

### APPEARANCES:

On behalf of the workman: Shri C. N. Singh, Authorised Representative.

On behalf of the employers: Shri G. Prasad, Advocate.

STATE: Jharkhand.

INDUSTRY: Railway.

Dated, Dhanbad, the 2nd January, 2001

### SCHEDULE

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-41012/1/93/IR-DU, dated, the 28/29-4-94:—

### AWARD

"Whether the action of the District Engineer (Construction), Western Railway, P.O. Gomoh, District Dhanbad, in terminating the services of Shri Sheo Shankar Pathak is justified? If not, to what relief he is entitled to?"

2. The brief, facts, giving rise to this Industrial Dispute is that Shri Sheo Shankar Pathak was engaged as Casual Labour on 17-1-73 and had been working under IOW/ER/Bermo upto 25-11-81. Thereafter, according to the workman concerned he applied for casual leave for 4 days from 26-11-81 and went to his home where he fell sick. He informed the management of Railway Administration regarding his sickness and when he attended to resume duty he was denied to join duty. Thus according to the concerned workman he has been illegally terminated by the Railway Administration because after completion of 180 days of service he has acquired temporary status automatically and as per the provision of Railway Servants (D&A) Rules, 1968 he cannot be removed without due process of law.

3. The management on the other hand has pleaded that the concerned workman Shri Sheo Shankar Pathak was a Casual Project employee who had worked off and on from

17-1-73 to 25-11-81. During the period from 16-11-81 to 15-12-81 he was present for duty only on 2 days i.e. on 24-11-81 and 25-11-81. Thereafter he absented from duty without leave, information or permission at his own risk and convenience. Thus he is deemed to have left his employment. According to the Railway Administration the management has not terminated his service, rather, it was the concerned workman who has left service without any information to the management. Further according to the management after 25-11-81 the concerned workman did not join duty and he has raised this dispute which has been referred by a letter dated 28/29-4-94 i.e. after more than 12 years and on this ground alone the concerned workman is not entitled to any relief.

4. Further, according to the Railway management the concerned workman was a Project Casual Labour and since the Project in which he was engaged has been completed there is no further need of service of the concerned workman. The railway Administration has also taken a plea that in the year 1986 the Central Administrative Tribunal Act has been passed and in pursuance of the provision of Central Administrative Tribunal Act the present reference is bad because a special remedy has been provided under Central Administrative Tribunal Act. Thus on this ground also the management has opposed the prayer of the concerned workman for reinstatement in employment with full back wages.

### FINDINGS

5. From the pleadings of the parties it is admitted that the concerned workman has worked from 17-7-73 to 25-11-81. The management has produced the Service Sheet of the concerned workman which has been marked Ext. M-2 from which it appears that the concerned workman has worked as Chowkidar from 17-1-73 to 15-2-74 for 400 days and again as Casual Project Labour from 16-2-74 to 6-5-78 regularly. Thereafter he was transferred to some other place. The service sheet of that place has not been filed. Thus it is apparent that the concerned workman was regularly working. The Railway Administration has also filed the Payment sheet of Casual Labourers from 15-11-81 to 16-11-81 and during this period the concerned workman was present only for 2 days. The concerned workman has pleaded that he has taken casual leave from 26-11-81 for 4 days but overstayed due to his illness. The concerned workman has not filed any document in support of his taking casual leave or information given to the Railway Administration regarding his subsequent illness. The Railway Administration has also filed a Circular of the Railways regarding Project Casual Labour and as per the direction of the Hon'ble Supreme Court in case of Inderpal Yadav Versus Union of India and others the Railway Administration has formulated a policy according to which those Project Casual Labourers who have completed 5 years of service as on 1-1-81 are to be treated as Temporary Labourers with effect from 1-1-81 and he will attain the temporary status. Thereafter at the instance of the Hon'ble Supreme Court the Railway has agreed to prepare a list of Project Casual Labourers of each division of different categories and they are to be regularised as permanent workmen according to

their seniority. Admittedly the concerned workman was on employment on 1-1-81 for more than 5 days. Therefore, under the aforesaid circular the concerned workman has attained the temporary status on 1-1-81. Therefore, the Railway Administration was duty bound to prepare a list of casual labourers including the concerned workman Shri Sheo Shankar Pathak. But the Railway administration has not done the same so far. Further it appears that the concerned Railway has neither terminated the service of the concerned workman by giving any termination notice and complying with the provision of Section 25F of the I.D. Act nor the concerned workman has been removed from service. The simple fault of the concerned workman is his unauthorised absence from duty. It is settled principle of law that when an employee who has completed more than 240 days attendance in a calendar year he is not to be terminated or removed from service without the compliance of Section 25F of the I.D. Act. But in this case I find that the management has not followed any procedure and has arbitrarily not allowed the concerned workman to resume duty when he reported for duty. However, the concerned workman is also to be blamed for this because he was absent without authorised leave and he has not produced on record any paper to show from which date he has reported for duty.

6. We find that this dispute has been raised after more than 12 years. Since there is no period of limitation prescribed for reference of an Industrial Dispute under Section 10 of the I.D. Act. Therefore, on this ground the claim of the concerned workman cannot be rejected. According to the latest view of the Hon'ble Supreme Court in such cases Award has to be given in such a way that for the delayed period no benefit should be given to a workman. Therefore, on this score the reference of the Industrial Dispute cannot be brushed aside. Since the management has not taken any steps for termination of the services of the concerned workman nor the management has given any notice to the concerned workman to resume duty failing which his employment shall stand terminated. Therefore, the concerned workman Shri Shankar Pathak cannot be refused to resume duty of course for the period he remained absent he will not be entitled to any wages.

7. The management has taken a plea that after passing of the Central Administrative Tribunal Act this Court has got no jurisdiction but this point has not been pressed at the time of argument and by now it has been well settled that the concerned workman has got alternative remedy and he has a right to choose his remedy.

8. Thus from the discussions made above, I find that the action of the management in refusing to resume duty is not justified and the concerned workman is entitled for reinstatement but without back wages.



9. In the result, I render the following Award :-

### AWARD

"The action of the management of the Distt. Engineer (Construction) Eastern Railway, P.O. Gomoh, Dist. Dhanbad, in terminating the services of Shri Sheo Shankar Pathak is not justified and the concerned workman is entitled for reinstatement without back wages."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 24 जनवरी, 2001

का. घा. 332.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबन्धन में संबंध नियोजकों और उनके कर्मचारों के बीच, अनुभव में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पक्षों को प्रकटित करती है, जो केन्द्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं. एस-12012/79/99-आई आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2001

S.O. 332.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workman, which was received by the Central Government on 23-01-2001.

[No. L-12012/79/99-IR(B-I)]

AJAY KUMAR, Desk Officer

### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU  
CHENNAI-104

Thursday, the 21st day of December, 2000

### PRESENT:

Thiru S. R. Singharavelu, B.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 101 of 1999

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Reserve Bank of India, Chennai).

### BETWEEN:

The workman represented by:

The Secretary,  
Reserve Bank of India Employees' Association,  
C/o Reserve Bank of India,  
Chennai-600001.

### AND

The Chief General Manager,  
Reserve Bank of India,  
Chennai-600001.

### REFERENCE:

Order No. L-12012/79/99-IR(B-I) dated 16-6-1999,  
Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 6th day of December, 2000, upon perusing the reference, claim and counter and all other material papers, on record and upon hearing the arguments of Thiru A. Govindaswamy, authorised representative appearing for the Workman and of Thiru E. M. Sali, Legal Officer for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

### AWARD

The Government of India has referred the following issue for adjudication by this Tribunal:

"Whether the demand for the Reserve Bank of India Employees Association for restoration of Stagnation Increment to Shri P. Ramakrishnan on the date of expiry of penalty i.e. 16-2-90 is justified? If so, to what relief the said workman is entitled?"

2. The main averments found in the Claim Statement of the Petitioner are as follows:

Shri P. Ramakrishnan who was working as Coin Note Examiner Grade II in the respondent bank is a member in the petitioner Association. His pay was reduced by two stages for a period of one year by Office Order No. 466/88-89 dated the 15th February 1989. The reduction would have the effect of withholding intervening increments if any, but should not have the effect of postponing future increments. The import of the punishment is that on completion of the operative period of punishment, pay would be reflexed by restoring the reduction and by releasing the intervening increment accrued if any during the operative period. Shri P. Ramakrishnan reached the maximum of time scale in July 1997 and 1st stagnation increment was due on July 1989. But the management refused to restore the 1st stagnation increment from the date of expiry of the penalty i.e. 16-2-90, contrary to the orders of the competent authority. The contention of the management was that the period for which employee was not drawing pay at the maximum of the pay scale (as a result of the penalty) should be excluded for the purpose of grant of stagnation increment. According to the management, the mere fact that the employee has completed 2 years from the date of reaching the maximum of pay scale is not the criteria for grant of stagnation increment. Stagnation increments were introduced in the Settlement between the Bank and AIRBEA (All India Reserve Bank Employees' Association) on 28-9-1979. This was further revised by the settlement dated 23-6-95 between the Bank and AIRBEA which prescribes that all employees shall draw three stagnation increments each equivalent to the last increment in the scale of pay, for every two completed years of service after reaching the maximum of the scale of pay and drawal of post-scale special pay, if any and to the extent admissible. An employee is eligible to draw first stagnation increment after completion of two years of service on reaching the maximum time scale of pay. The provisions of the settlement referred to above do not also suggest that the grant of further stagnation increments should be subject to the employee remaining at the maximum continuously. The postponement is contrary to the Regulation 66(3) of the R.B.I. (Staff) Regulations 1948, which stipulated that no increment may be withheld except as a disciplinary measure under Regulation 47. By postponing all the stagnation increments, a temporary and non-cumulative punishment was converted into permanent and cumulative punishment. The petitioner prays to pass an Award holding that the demand of the Petitioner Association for restoration of stagnation increment to Sri P. Ramakrishnan on the date of expiry of penalty is justified and direct the respondent to restore the stagnation increment to Sri P. Ramakrishnan on the date of expiry of penalty i.e. 16-2-90 and to restore all the stagnation increments on the dates due to him with full backwages.

3. The main averments found in the Counter Statement of the respondent are as follows:

The first stagnation increment would have normally been due on 9th July 1989, i.e. after completion of 2 years service

after reaching the maximum of scale of pay. However, on account of imposition of penalty, his pay was reduced by 2 stages for a period of one year with effect from 16-2-89. Hence he was not stagnating at the maximum of the pay scale during this period viz. 16-2-89 to 15-2-90. Instead of drawing the first stagnation increment on 9-2-89, it should have been drawn on 9-7-90 as the period during which he was not drawing pay at the maximum of the scale has to be excluded from reckoning for the purpose of counting the period of 2 years. We may clarify that the increment gets postponed by two days on account of Extraordinary Leave not counting for increment on account of participation in strike. Taking a hypothetical case of an employee at the maximum of the pay scale, who was punished by the competent authority for certain misconduct and a punishment of reduction of six increments permanently imposed. In such a case if the arguments of the petitioner is accepted that hypothetical employee would be earning increment in the incremental scale every year for completing service of one year and also will earn stagnation increments every 2 years i.e. every alternate year the hypothetical employee earns 2 increments namely the normal increment in the incremental scale every year for completing service of one year and also will earn stagnation increments every 2 years i.e. every alternate year the hypothetical employee earns 2 increments namely the normal increment in the incremental scale and a stagnation increment because as per the arguments of the petitioner, the bench mark to remain/stay/stagnate at the maximum of the scale is not relevant for earning stagnation increment and there is no necessity of exhausting increment in the incremental scale first and then earn stagnation increments. An employee is eligible to draw first stagnation increment only after he reaches the maximum of the incremental scale for 2 years and if any intervening event dislocates the employee concerned from the maximum of the incremental scale, the clock stops ticking as regards calculation of eligible period for drawal of stagnation increments is concerned. The postponement of the date of drawal of stagnation increment as a result of penalty is only an effect of the penalty and not a penalty in itself. The unequal comparison is made between the normal time scale increments of the other 73 employees and the stagnation increment of the employee concerned. While the 73 employees who were not drawing the maximum of the pay were restored to their original position in the time scale after the penalty period the employee concerned also got his pay in the normal time scale i.e. maximum in the time scale restored. The respondent prays to uphold the contention of the respondent bank that the first stagnation increment of the employee concerned should be postponed by the period of punishment during which the petitioner was not in the maximum of pay scale.

4. On behalf of petitioner, Ex. W1 to W5 were marked by consent. On behalf of respondent, Ex. M1 to M11 were marked by consent.

5. The Point for consideration is: Whether the demand of the Reserve Bank of India Employees Association for restoration of stagnation increment to Sri P. Ramakrishnan on the date of expiry of penalty i.e. 16-2-90 is justified? If so, to what relief the said workman is entitled?

6. The Point: The Reserve Bank of India has been constituted under Section 3 of the Reserve Bank of India, Act, 1934. For efficiently exercising its statutory powers and discharging the functions, the Reserve Bank employed various classes of employees. The service conditions of the employees are governed by the Reserve Bank of India (Staff) Regulations, 1948. Award passed by National Industrial Tribunals, Bilateral Settlements entered into by the Bank with recognised and representative Trade Unions of Class III and Class IV employees of the bank and administrative instructions issued by the bank were governing. An employee is entitled for increments by virtue of provisions of the Reserve Bank of India (Staff) Regulations as well as Awards and Settlements. For an employee who is a graduate or acquired qualification of graduation or has CAIIB qualification, advance increments in the incremental scale were first introduced in 1946. Subsequently by 1970 Bilateral Settlement, Senior employees having extra qualifications were granted post-scale Special Pay (PSSP). Award of 1979 for the first time introduced the concept of granting stagnation increments equal

to the last increment in the incremental scale. Certain conditions were attached to earning of the stagnation increments. The number of stagnation increments provided by Dighe Award were two in number which were subsequently increased from 2 to 3, and ultimately to 4 increments and also the eligible period required to earn stagnation increments was reduced from 5 years to 2 years as per subsequent bilateral settlements.

7. The petitioner association espouses the cause of Thiru P. Ramakrishnan who was working as Coin Note Examiner Gr. II in the respondent bank, since he is a Member in the petitioner association. Admittedly, he had reached the maximum of his pay on 9-7-85 in the applicable time scale. He has also drawn the first and second post scale special pay respectively on 9-7-86 and 9-7-87 and there was an Order dt. 16-2-89 through Ex. W1 in and by which, a punishment was awarded whereby his pay was reduced for one year by two stages. That Order further reads as follows:

"The reduction shall have the effect of withholding his increment intervening. The reduction however, shall not have the effect of postponing his future increments. On completion of the said period of one year (i.e. on 16th February 1990) his substantive pay in the aforesaid scale will be fixed at Rs. 1820 per mensem subject otherwise to the provisions of the Reserve Bank of India (Staff) Regulations, 1948."

8. The issue before us is regarding the dispute relating to the period from which the workman was entitled for his stagnation increment. Before going to the same we should know what a stagnated increment is. As mentioned in para. 2c of the Counter, the concept of granting stagnation increment was first introduced in the Bilateral Settlement dt. 28-9-1979, the copy of which was marked as Ex. M6, wherein the following was mentioned about what a stagnation increment is:

"All employees in Group-I will be granted stagnation increments, subject to a maximum of two, each equivalent to the last increment in the scale of pay, for every five completed years of service after reaching maximum in the scale of pay and drawal of post scale special pay, if any and to the extent admissible. The period of stagnation for this purpose will be reckoned from the date of reaching the maximum of the scale of pay in the Bipartite Settlement dated 7th October 1970. In case of an employee who is eligible for stagnation increments, the first such increment will be granted effective from the date on which it falls due or from 1st September 1978 whichever is later but the next increment will accrue to him on completion of five years of service as from the date the first increment falls due. (Example: In the case of an employee the benefit of the first increment falling due on 1st January 1975 will be given to him with effect from 1st September 1978 but the next such increment will be due to him with effect from 1st January 1980."

Even in Ex. M9 which is the Memorandum of Settlement between the petitioner association and the Management on 29-8-89 what was mentioned about stagnation increment is as follows:

"All employees in Group A will be eligible for stagnation increments, subject to a maximum of three, each equivalent to the last increment in the scale of pay, for every two completed years of service after reaching maximum of the scale of pay and drawal of post-scale special pay, if any and to the extent admissible."

9. From both Exs. M6 and M9 what we understand is that an employee in order to get the stagnation increment should have completed two years of service, after reaching maximum of scale of pay and drawal of post scale special pay etc.

10. In the instant case, P. Ramakrishnan (workman) had reached the maximum of pay on 9-7-85, he has drawn the first post scale special pay on 9-7-86, he has drawn the second post scale special pay on 9-7-87. He has to complete 2 years of service from 9-7-87, in order to get his stagnation



increment. Thus his first stagnation increment, according to the workman is due on 9-7-89.

11. What the Management would contend us that, "Service of Maximum of scale of pay and drawal of post scale Special pay", mentioned in the Settlement of 1979 and 1989 would mean not a 'mere service', but a 'service with salary of maximum of scale of pay and drawal of post scale special pay." In other words, according to the management, the two completed year of service mentioned as a sine que non for getting stagnation increment shall be qualified with, such a service of drawing of maximum of scale of pay and drawal of post scale special pay. To put it again, every two completed years of service after reaching maximum of scale of pay and drawal of post scale special pay, would not by itself ensure the workman the stagnation increment. The management want the workman to get himself stagnated for two years in the maximum of scale of pay and drawal of post scale special pay, in order to get the stagnation increment. In other words, any intervening dislocation of the employee from the maximum of the incremental scale and such period of dislocation will have to be excluded from the computation of two completed years of service.

12. In this case, the punishment under Ex. W1 was awarded on 16-2-89 and the date of expiry of penalty was on 16-2-90. True it is that during the above period of one year, this employee was not on the maximum of scale of pay, because as a measure of payment the pay was reduced by two stages during that period of one year. Thus he had not stagnated himself in the maximum scale of pay during that period of one year. The management want that this period of dislocation whereby the employee was kept outside the maximum of scale of pay shall be excluded from the computation of two years, for getting the stagnation increment.

13. This argument of management can be accepted if the provision made in the settlement indicates so. Now the question before us is what does the provision in the Bilateral Settlement indicate. Whether it requires an employee to get himself stagnated for a period of two years in the maximum of his scale of pay in order to get his stagnated increment, or that will it be sufficient on his part, to just spend a period of two years in service after reaching maximum of scale of pay. A careful perusal of the provision made in the Settlement of 1979 through Ex. M6 and 1989 through Ex. M9 would only go to show that the second contention made by the employee is acceptable.

14. Further the perusal of the Ex. W1 Punishment also shows that the reduction of pay shall not have the effect of postponing his future increment. That is to say that, it is of non-cumulative effect. Thus his original pay was restored on 16-2-1990 the date of expiry of penalty period. When a penalty is non-cumulative it shall not have its effect apart and away from the period of punishment. Further, as provided in page 27 of the Reserve Bank of India (Staff) Regulations, 1948 (Ex. W5).

shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments."

Thus there is no written order to postpone the stagnation increment. Assuming that the interpretation of management about the stagnation increment is reasonable, we have to see that it is away from the Terminology used in the provisions of Bilateral settlement found in Ex. M6 and M9. Furtherin, it may be true that the period of punishment mentioned in Ex. W1 had the effect of dislocating the employee being at the maximum of scale of pay during that period. But it must have been communicated to him before even the stagnation increment is postponed on that ground. An opportunity should have been offered to him and that he must have been heard before ever making a unilateral interpretation of the provisions of the Settlement. That has not been done in this case. Thus the unilateral interpretation is against the procedure. Anyway we do not agree with the above interpretation because, under the guise of interpretation, we cannot interpolate a clause which is not in existence in the Settlement (Ex. M6 & M9). To interpret an existing terminology in the Bilateral Settlement is one thing, to interpolate a meaning extraneous to the phraseology used in the provisions of the Settlement is different. Under the guise of interpretation of the language of the provisions of the settlement, we cannot inject a new idea or interpolate a new meaning which the terminology in the settlement does not ordinarily indicate. The management may be right in expecting an employee to be in service for two years with the scale of pay of maximum and get himself stagnated thereon so as to avail the stagnation increment. But that was not the meaning conveyed in the existing terms of provisions of settlement. Unless such Bilateral term is redrafted to contain the above meaning of management, we cannot thrust a new idea. If the management wants to give such a meaning it should amend the concerned provision in the settlement or incorporate new provisions of settlement to that effect.

15. Thus, the demand of the petitioner association is justified. Award passed accordingly. No costs.

Dated at Chennai, this 21st day of December, 2000.

THIRU S. R. SINGHARAVELU, Industrial Tribunal

I.D. 101 of 1999

Witnesses examined

For Petitioner/Workman—None.

For Respondent/Management—(M.W. ).

Shri S. Ramakrishnan (Chief only) Proom affidavit.

Documents marked

For Petitioner/Workman :

Ex. W1—Office order No. 466/88/89 dated 16-2-89

Ex. W2—Memorandum of Settlement between All India Reserve Bank Employees Association and the Management of Reserve Bank of India, dated 29th August, 1989.

Ex. W3—Memorandum of Settlement between All India Reserve Bank Employees Association and the management of Reserve Bank of India dated 23-6-1955.

Ex. W4—The Award of National Industrial Tribunal Bombay (Dighe Award) (Ref. NTB 1 of 79).

Ex. W5—RBI Staff Regulation Act.

#### Documents for Respondent/Management :

Ex. M1—Office order No. 466/88-89 dated 16-2-89 of the Competent Authority.

Ex. M2—Pay revision sheets of Sri P. Ramakrishnan CNE Gr. II.

Ex. M3—Extracts of Regulations Reserve Bank of India (Staff) Regulations, 1948.

Ex. M4—Extracts of Section 3 Para 7(3)(1)—Other Benefits and Emoluments from the Award of National Industrial Tribunal, Bombay (Dhighe Award) Ref. NTB of 1 of 1979.

Ex. M5—Extracts of Part-IV from the Memorandum of Settlement dated 7-10-1970 between the All India Reserve Bank Employees Association and the Reserve Bank of India.

Ex. M6—Memorandum of settlement dated 28th September, 1979 between the All India Reserve Bank Employees' Association and the Reserve Bank of India.

Ex. M7—Memorandum of Settlement dated 12th October, 1984 between All India Reserve Bank Employees' Association and the Reserve Bank of India.

Ex. M8—Central Office Circular No. PPD. G. 4/30/RIL. Cr. 218C/94-95 dated 21st July, 1994.

Ex. M9—Memorandum of Settlement dated 29th August, 1989 between All India Reserve Bank Employees' Association and the Reserve Bank of India.

Ex. M10—Memorandum of Settlement dated 23rd June, 1995 between All India Reserve Bank Employees' Association and the Reserve Bank of India.

Ex. M11—Central Office Circular DAPM (PMW) No. G. 56/675/17-15-09/96-97 dated 6th May, 1997.

नई दिल्ली, 24 जनवरी, 2001

का. भा. 333—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बालासोर ग्राम्या बैंक के प्रबन्धन के संबंध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/91/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2001

S.O. 333.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Balasore Gramya Bank and their workman, which was received by the Central Government on 23-1-2001.

[L-12012/91/2000-IR(B-I)]

AJAY KUMAR, Desk Officer.

#### ANNEXURE

SRI S. K. DEHAL, O.S.J.S. (SR. BRANCH), PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BBSR

Industrial Dispute Case 1/2000

Dated, Bhubaneswar, the 18th January, 2001

#### BETWEEN

Balasore Gramya Bank, .. First Party : —  
Balasore, .. Management.

#### Versus

Balasore Gramya Bank — Second Party : —  
Workmen's Association. .. Workmen.

#### APPEARANCES :

Chief Audit & Inspection, —For the First Party—  
Balasore Gramya Bank, .. Management.

Sri Bibekananda Mohapatra —For the Work-  
General Secretary, Balasore men.  
Gramya Bank Workmen's Association.

#### ORDER

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by Clause (d) of Sub-section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred the following dispute for adjudication vide their Order No. L-12012/91/2000-IR(B-I), dated 30-6-2000 :—

"Whether the action of the Management of Balasore Gramya Bank in transferring Shri D. Acharya to Chandenswar Branch without consideration of the place of Posting of his spouse is justified? If not, to what relief the workman is entitled?"

2. One Dasarathi Acharya, an employee of Balasore Gramya Bank was transferred to Chandenswar Branch by the 1st Party—Management. Mr. Acharya

challenged the said order and requested to cancel the same and to post him at the Main Branch where his wife was serving. But his request has not accepted. Shri Acharya moved the Civil Court, who turned down the prayer of Shri Acharya. Thereafter, when the conciliation failed the matter was referred to the Ministry of Labour, Government of India, as Industrial Dispute exists and subsequently reference has been made to this Tribunal as stated above.

3. On receipt of the reference, both the Parties were noticed to appear before this Tribunal and to file their statement of claims.

4. During the course of hearing of the case, it was brought to the notice of this Tribunal by the Management that in the changed circumstances the transfer order of Shri Acharya to Chandenswar Branch was re-considered and was cancelled considering his grievances. In support of the said submission, the Management also has filed the copy of the transfer order of Shri Acharya. From the side of the Balasore Gramya Bank workmen's Association, no objection was taken against the submission made on behalf of the Management.

5. In view of the above facts, there is no necessity for this Tribunal to record any findings on the reference. The case of Shri Acharya has been considered and the Management has taken a decision in his favour. In my opinion, there is no dispute exists at this stage and so it is not necessary to answer the reference made by the Government of India.

6. Hence, the reference is answered accordingly.

Dictated and Corrected by me.

SRI S. K. DHAL, Presiding Officer,

नई दिल्ली, 24 जनवरी, 2001

का. घा. 334.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बरेली कारपोरेशन बैंक लिमिटेड के प्रबन्धन में के संघ नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं० एल-12012/222/99-घाई धार (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2001

S.O. 334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bareilly Corporation Bank Ltd. and their workman, which was received by the Central Government on 23-01-2001

[No. L-12012/222/99]IR(B-I)]  
AJAY KUMAR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, LUCKNOW

PRESIDING OFFICER : RUDRESH KUMAR  
ADJUDICATION

BETWEEN

Deepak Kaushal  
Distt. Secretary,  
National Confederation of Bank  
Employees (U.P.) Bareilly Unit  
A-90, LIG, BDA Colony  
Bareilly-243001  
(espousing cause of Jadish Prasad Gupta)

AND

The Chairman  
Bareilly Corporation Bank Ltd.  
Central Office, 129 D, Civil Lines  
Bareilly (U.P.)-243001.

On amalgamation in Bank of Baroda, represented  
through :

The Chief Manager  
Bank of Baroda (EBCBL)  
Amalgamation Cell  
C/o 129D, Civil Lines  
Bareilly-243001.

## AWARD

By reference No. L-12012/222/99]IR(B-I) dated 24-8-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 I.D. Act, 1947 made over this industrial dispute between Deepak Kaushal, Distt. Secretary, National Confederation of Bank Employees (U.P.) Bareilly Unit, Bareilly espousing cause of Jadish Prasad Gupta and the Chairman, Bareilly Corporation Bank Ltd., Central Office, Bareilly on amalgamation in Bank of Baroda, represented through the Chief Manager, Bank of Baroda (EBCBL), Amalgamation Cell, Bareilly, for adjudication. The reference is re-produced as under :

"Whether the action of the management of Bareilly Corporation Bank Ltd. on reported pre-mature retirement of Shri J. P. Gupta, Ex-special Assistant w.e.f. 31-12-1998 is just, fair and tenable on records if not, what relief the workman is entitled to and from when?"

2. The Bareilly Corporation Bank Ltd. amalgamated in the Bank of Baroda vide notification No. 12/97 BOA(D) dated 1-6-1999 published in Gazette notification No. 17-9-97-BOA Govt. of India, Ministry of Finance dated 8-3-1999. Thus, the management of Bank of Baroda was permitted to represent the Bareilly Corporation Bank Ltd. Both parties agreed that the amalgamation being in accordance with law, the management of Bareilly Corporation Bank Ltd. stands substituted by the management of the Bank of Baroda. Accordingly, necessary order was passed in the file of present adjudication.

3. Comming to the facts, Jagdish Prasad Gupta (hereinafter to be referred as workman), a Special Assit., was compelled to retire on 15-12-1998 on superannuation, taking his date of birth wrongly to be 15-12-1938, whereas, his actual date of birth is 1-1-1941 and on superannuation he should have retired on 31-1-2001.

4. As alleged the workman was appointed in Bareilly Corporation Bank Ltd. as a Peon, on 10-12-56. He was a minor at that time. There was prevailing practice in the said bank to employ minors also. Alongwith his application seeking appointment, he filed a copy of school leaving certificate, detailing his educational qualifications, date of birth as well other relevant details. However, the management of the said Bank obtained his signatures on blank Form 63 and wrongly recorded his date of birth to be 15-12-1938, though the school leaving certificate mentioned 1-1-1941 as his date of birth. Subsequently, he passed High School examination in 1960 which also mentioned his date of birth 1-1-1941. On account of his educational qualifications, he was promoted in Class III and the Bank mentioned in its record 1-1-1941 as his date of birth. He was surprised to receive a notice of retirement on 15-12-1998 on superannuation attaining age of 60 years. His representations to the authorities proved of no avail and he was prematurely retired illegally. He raised this industrial dispute to set aside his illegal retirement and to restore him in service beside compensating losses of back wages etc.

5. The case of the management is that Form 63 signed by the workman at the time of entering into service, mention his date of birth to be 15-12-1938. Form 63 is basic document which guide entry in service of the workman, post held by him, his date of birth and all other relevant particulars. This date cannot be changed by the workman at this belated stage for more than 40 years afterwards. The management denied pleas of the workman that his date of birth was wrongly written by some one else or he signed a blank Form 63. It is said that Form 63 was got filed and then signed by the workman himself. The management admits that in some of the documents, viz. Employees Provident Fund etc. prepared subsequently, the date of birth is shown 1-1-1941. These wrongly entries surfaced because the requisite forms were filed by the workman and none else. Bank had no occasion to go into the merit as which of the dates 15-12-1938 or 1-1-1941 is actual date of birth. The workman deliberately showed wrong date of birth, 1-1-1941, causing such entries in subsequent records. The workman did not make representation throughout the span of 42 years of service to correct his date of birth and represented only when notice of retirement was given to him, though he was fully aware of the said fact.

6. The management pleads further that his nearest relations signed on Form 63 and all the particulars given on the said Form 63 bear true facts. There was no motive to show wrong date of birth. The workman had not filed school leaving certificate alongwith his application seeking appointment which does not mention his education qualifications or date of birth on it. His contention of having signed a blank Form 63 is an after thought.

7. From perusal of the reference, it is evident, that the action of the management of Bareilly Corporation Bank Ltd. requires to be justified on the basis of correct entries in records. However, in view of the fact that the original records of the bank (Form 63) mentions the date of birth 15-12-1938 and subsequent records relating to Employees Provident Fund etc. differ showing it 1-1-1941, hence an additional issue was framed on 25-2-2000 as follows :

“What is the correct date of birth of claimant Sn. J. P. Gupta?”

8. The management has pleaded that this Tribunal is not competent to ascertain the correct date of birth but requires to record its award on the basis of available records, as implicit in the reference. Any departure would be beyond the scope of reference.

9. The workman filed a number of documents to substantiate his version that his actual date of birth is 1-1-1941 and not 15-12-1938. Relevant and material documentary evidence would be discussed at appropriate stage. Those documents in nature of representations after retirement notice are not very relevant in reference to determination of age. In addition, the workman examined WW-1 Ram Kumar Gupta, Head Clerk, Vigyanand Ram Narain Vedic Higher Secondary School, Badaun, WW-2 Zulfiqar Hussain, Head Clerk, Nagar Palika, Badaun; and examined himself as WW-3.

10. The management filed Form 63 signed by the workman and also some other documents relating to other employees whose names find reference in workmans claim statement. The management examined solitary witness Arun Kumar, Manager, Bank of Baroda who proved official documents.

11. Documents filed by the parties to substantiate and counter that even minors were used to be employed in Bareilly Corporation Bank Ltd. at the relevant time. It does not need appreciation as the legality of appointment is not under scrutiny. The consideration requires to be confined only on those documents which show date of birth.

12. The management has taken a clear stand that the original document recording date of birth and all other particulars of the workman is given in Form 63. Only completed Forms are taken on record at the time of the entry in service. This Form, admittedly is signed by the workman. It contains all other informations Names of closest relations standing sureties have also signed this Form. There was no reason to record wrong date of birth. Informations showing composition of family, their respective age together with other particulars are admitted to be true except the date of birth. The workman has admitted his signature on this Form. He had not alleged that some one got his signature on it keeping him in dark. If he signed blank Form 63, who else had given particulars of his family, their respective age, names of his relations etc., which are admittedly true. Plea of signing blank Form 63 was raised only after retirement notice and not before. This obviously, seems to me after thought.

13. The management, also, has placed reliance on original application of the workman seeking employment which is not denied. This application does not

give date of birth. It does not indicate that school leaving certificate bearing date of birth was annexed with the said application. It is evident that school leaving certificate was not filed and he gave correct age in Form 63. The onus, is, on the workman to prove that he submitted school leaving certificate bearing his date of birth alongwith his application seeking appointment, but this onus has not been discharged effectively by him.

14. Let workman's oral evidence be scrutinised. Ram Kumar Gupta (WW-1) produced original school register for the year 1949-53. Entry at sl. 208 shows date of birth of Jadish Prasad Vaish 31-12-1941. According to the original register produced by the witness, the workman had passed Class VIII in the year 1953. A photo copy of the relevant entries is on record (Ex. W-1). Before joining this school, the workman was a student of another school at Badaun, normally original leaving certificate of the past institution are taken on record, but there is no evidence, as what date of birth, was noted in the first school where the workman got admitted or what was the basis of recording date of birth 1-1-1941. In cross examination, the witness deposed that at serial 209, name of Kailash Chand Vaish find reference. His father's name is also given Laxmi Narain. Entries at both, sls. 208 and 209 show that two sons of Laxmi Narain were studying in the school. Both the sons were born in 1941, elder on 1-1-1941 and later on 31-12-1941. In this context the statement of Zulfikar Hussain (WW-2) is relevant. He produced birth register of Nagar Palika, Badaun. In his cross examination he has admitted that there is no entry showing any birth in the family of Laxmi Narain on 31-12-1941. If the correctness of Nagar Palika register is believed, the entry at serial 209 of school leaving certificate become doubtful. No evidence is given that the son born to Laxmi Narain on 1-1-1941 is the workman and none else. Admitted entries on Form 63 shows that the younger brother of the workman was 11 years old. On taking date of birth of the workman on 1-1-1941 his younger brother was about 5 years younger. This renders entries at sl. 209 doubtful.

15. The substantive evidence has come in the shape of statement of J. P. Gupta, examined as WW-3 He stated to have attached his educational certificate showing class VIII passed with his application for appointment which could not be corroborated. He further stated to have submitted another application. He changed version of having filed two applications, cannot be believed.

16. The workman's version of filing blank Form 63 is also not trustworthy. Entries in school leaving register cannot be believed in reference to his date of birth vis-a-vis his younger brother. These entries are not in consonance with Nagar Palika Birth Register. There is no evidence that the child born on 1-1-1941 to Laxmi Narain is the workman and not any other child.

17. As stated earlier, all the entries of Form 63 are admitted by the workman except date of birth. Names of two nearest relation Amir Chand and Triveni Sahai are mentioned in this Form. Likewise, name of mother, brothers, sisters and wife are given therein.

His nearest relations Amir Chand and Triveni Sahai whose name figures on the Form 63 have also signed it. Their signatures are not disputed. On the basis of materials on record, it cannot be said that the entries were manipulated by the management with some ulterior purpose. Genuineness of Form 63 can not be disputed at this stage.

18. No doubt some other documents of the bank, relied by the workman mention his date of birth 1-1-1941. The management explained that normally the forms were filled by the employees concerned. If the employee filled wrong date of birth, all subsequent documents prepared on the said basis, would bear wrong dates. Management contention cannot be rejected outright. While filing the form of High School, the workman noted his date of birth 1-1-1941. In this back ground, the date of birth 1-1-1941 in High School Certificate is rightly written but not necessarily true. In the bank documents prepared years after joining the service, the date of birth was changed to 1-1-1941 by the workman himself. Subsequent entries showing date of birth 1-1-1941 in related records cannot be given authenticity in face of Form 63.

19. The onus was on the workman to prove entry in Form 63 to be incorrect by producing unimpeachable evidence but he failed to discharge this burden. At the fagend of his service, he tried to take advantage of incorrect entries in subsequent records, disputing correct one.

20. This, in view of discussions made above, the entries showing date of birth 15-12-1938 appears correct. Entries showing date of birth 1-1-1941 are not correctly made. In all probability the date of birth is 15-12-1938 and it is correctly shown in Form 63. The action of the management is fair, just and tenable in retiring the workman w.e.f. 31-12-1998. He is not entitled to any relief.

Award accordingly.

LUCKNOW

15-1-2001

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 31 जनवरी, 2001

का. मा. 335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/193/97-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 31st January, 2001

S.O. 335.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal/Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 30-1-2001.

[L-12012/193/97-IR(B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 77 of 1998.

Sh. Balraj Singh  
S/o Sh. Nonar Singh  
Vill. & P.O. Bhal, Anandpur,  
Distt. Rohtak-124001.

..Petitioner.

Vs.

The Asstt. General Manager,  
State Bank of India,  
Region-V, Zonal Office,  
11-Parliament Street,  
New Delhi-110001.

..Respondent.

#### REPRESENTATIVES :

For the workman : Sh. J. N. Kapoor.

For the management : Sh. S. A. Garg.

#### AWARD

(Passed on 15th December, 2000)

The Central Government, Ministry of Labour vide Notification No. L-12012/193/97-I.R.(B-I) dated 3rd April, 1998 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India in treating Shri Balraj Singh Messenger as voluntarily retired from Bank's services is just and legal? If not, to what relief is the workman entitled to?"

2. Today the case was fixed for settlement. Both the workmen and the rep. of the management has made the statement that the case has been settled amicably between the parties as per settlement placed on record. In view of the statements of the parties, there exists no dispute. The reference is returned as no dispute award. Appropriate Government be informed.

Chandigarh,  
12-12-2000.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 31 जनवरी, 2001

का. प्र। 336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. एफ. रेलवे, तिनसुकिया के प्रबन्धक के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गुवाहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 को प्राप्त हुआ था।

[सं. एल-41012/14/98-आई प्रार (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 31st January, 2001

S.O. 336.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Guwahati, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N. F. Railway, Tinsukia and their workman, which was received by the Central Government on 30-1-2001.

[No. L-41012/14/98-IR(B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI  
ASSAM

Reference No. 7(C) of 1999

#### PRESENT :

Shri K. Sarma, LL.B.,  
Presiding Officer,  
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :  
The Management of N. F. Railway,  
Tinsukia.

Vs.

Shri Bonomali Goswami, Ex-Office Peon,  
Railway qr. No. D/3, Near Foot Over Bridge,  
Tinsukia.

Date of Award : 26-9-2000.

#### AWARD

The Government of India, Ministry of Labour, vide order No. L-41012/14/98/IR(B-I) dt. 30-10-98 has made this reference to this tribunal to adjudicate the dispute arising between the management of N. F. Railways, Tinsukia, and its workman Shri Bonomali Goswami, Peon out of termination of his service on the following issue :

"Whether the action of the management of DPM N. F. Railway, Tinsukia in terminating the service of Shri Bonomali Goswami, Ex-Office peon in legal & justified? If not, to what relief the workman is entitled?"

On receipt of reference, this tribunal has registered this case and issued notices to both the parties calling upon them to file their written statement/ Addl. written statement and to exchange their documents in support of their respective claim, in response to which both the parties have appeared and

filed their written statements and documents in support of their respective claims. The workman has adduced his own evidence to sustain his case as W.W. 1 and no evidence has been adduced from the side of management.

The fact of the case, as reveals from materials on record is that the workman Bonomali Goswami was engaged on casual basis as Paniala in the year 1971 by the management of N.F. Railway at Tinsukia and thereafter he was posted as cover peon in 1982 in the same station and thereafter posted as peon in the year 1987. While he was working as peon in the office of DRM(P), N. F. Railway at Tinsukia, he was placed under suspension by the management and charged with charges under Rule 9 of the Railway Servant (Discipline and Appeal) Rule, 1968 vide office memorandum No. IM/B-14(Loose) dated 27-10-92. The first charge was that the workman had erected unauthorised structure around his Railway Quarter No. B/3 type-1 situated Near Foot Over Bridge of Tinsukia Railway Station and sublet the same to an outsider named K. S. Madhowan who was running a hotel in the said rented structures and engaging public safely as the busy shunting line was passing just near the hotel. The second charge alleged was that the workman erected a Ratcha house attached to his quarters in which a sign board entitled "Shri Shri Mahakal Mandir" which created maintenance problems of the Railway Quarters."

To probe the charges, the disciplinary authority has constituted a domestic enquiry by appointing Shri I. N. Hazarika, CPI/TSK as Inquiry Officer. But no presenting officer was appointed by the disciplinary authority to present the case before the enquiry officer. The workman was alleged to take the assistance of Shri N. C. Mazumdar, Sr. C.C.TSK to assist him.

In conducting domestic enquiry, the enquiry officer has not examined any witness from the side of management, but has recorded the statement of the workman where workman has been stated to have admitted the charges. The enquiry officer thereafter submitted report holding that the charge levelled against the delinquent workman was proved and on the basis of said report the workman was dismissed from the service w.e.f. 26-5-93 vide order IM-B/14 (Loose).

After receiving the order of dismissal, the workman has preferred an appeal before the Divisional Railway Manager at Tinsukia on 4-6-93 which was dismissed by said authority vide order dated 4-6-93. After dismissal of appeal the workman has raised the Industrial Dispute before the concerned labour authority who has tried to settle the matter on conciliation and having failed to settle the matter on conciliation has preferred it to the appropriate Govt. who ultimately made this reference.

Before this tribunal workman has adduced his own evidence as WW1, but management has not adduced any evidence from his side.

I have heard the arguments advanced by the learned advocate for the both the parties. The learned advocate for the workman has also submitted written arguments alongwith same documents. In

course of arguments, learned advocate for the management has submitted that delinquent workman has admitted the charge levelled against him before the enquiry officer and hence he was rightly dismissed from the service. But learned advocate for the workman has submitted that enquiry officer has not followed the procedural law prescribed in that behalf in conducting the domestic enquiry. He has submitted that the management has not provided the list of witness along with the chargesheet to the workman as per procedure prescribed in Rule 9 of the Railway Servants (D & A) Rules, 1968. Secondly, by not appointing presenting officer, to present the case, the enquiry officer is out to play the rule of both prosecutor and adjudicator. Thirdly, before this tribunal the management has not proved the enquiry proceeding by adducing evidence of enquiry officer or any other witness. For all these reasons the domestic enquiry conducted by enquiry officer is violative to the principle of natural justice and procedural law.

In dealing with industrial dispute in case of dismissed employee who has been dismissed after holding domestic enquiry, the tribunal has to see whether domestic enquiry was properly conducted or not. In conducting domestic enquiry, the enquiry officer has to follow the procedural law prescribed in that behalf and also to follow the principle of natural justice by giving the workman a proper and reasonable opportunity of being heard. In the instant case what I find from the materials on record in that constitution of the domestic enquiry is not in accord with law as no presenting officer was appointed to present the case. In view of this the enquiry officer has to play the role of prosecutor and adjudicator which is violative to procedural law prescribed in that behalf. Furnishment of list of witness to the workman alongwith the charge is a mandatory requirement of Railway Servant (S & A) Rule, 1968 which has not been complied with by the enquiry officer and hence enquiry is bad in law. Although, learned advocate for the management has submitted that the workman has admitted the charge level against him before the enquiry officer, but curiously enough, the enquiry proceeding has not been proved before the tribunal by adducing any witness from the side of the management. Not only that the evidence of the enquiry officer himself was not adduced before this tribunal without giving any reason. This being the position, the workman has admitted the charges before the enquiry officer has not been established.

For the above reason, I am of opinion that domestic enquiry conducted against the workman is bad in law for non-compliance of procedural law and hence order of dismissal recorded against the delinquent workman can not be allowed to stand in the eye of law.

In the result the order of dismissal recorded against the delinquent workman is set aside and workman is ordered to be reinstated with 50 per cent of his back wages with immediate effect.

With this order this reference is answered in favour of the workman. Prepare an award accordingly.

SHRI K SARMA, Presiding officer.



नई दिल्ली, 24 जनवरी, 2001

## SCHEDULE

का. मा. 337.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार मैसर्स टिस्को लिमि. के प्रबन्धतंत्र के संबद्ध योजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण . 1, धनबाद के पंचाट को प्रकाशित करती है, जो केंद्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं. एल-20012/222/91-आई आर (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 24th January, 2001

S.O. 337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. TISCO Ltd. and their workman, which was received by the Central Government on 23-1-2001.

[No. L-20012/222/91-IR(C-I)]

S. S. GUPTA, Under Secy.

## ANNEXURE

FOR THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD PRESENT :

Shri Sarju Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 89 of 1991

## PARTIES :

Employers in relation to the management of Sijua Colliery of M/s. Tisco. Ltd. and their workman.

## APPEARANCES :

On behalf of the workman : Shri B. N. Singh, Authorised Representative.

On behalf of the employers : Shri B. Joshi, Advocate.

DATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 9th January, 2001

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/(222)/91-I.R.(Coal-I) dated, the

"Whether the action of the management of Sijua Colliery of M/s. Tata Iron and Steel Co. Ltd. in dismissing Shri Vishwamitra Sharma w.e.f. 1-4-1989 is justified? If not, to what relief the workman is entitled?"

2. This industrial dispute, arises out of dismissal of Shri Vishwamitra a workman of Sijua Colliery of M/s. Tisco. Ltd. with effect from 1-4-89.

3. The brief facts giving rise to this dispute is that the concerned workman Vishwamitra Sharma who was working as Clerk Grade-II at Sijua Colliery of M/s. Tisco. had proceeded on leave from 3-10-88 to 14-10-88 but he did not join on 15-10-88 after expiry of leave and instead he sent an application on 17-10-88 for extension of leave with Medical Certificate from a Homeopathic Doctor. However, the period for which he had prayed for extension of leave was not mentioned there. In the Medical Certificate it was mentioned that he is suffering from Rheumatic Arthritis and is under treatment of Dr. B. N. Burnwal a Homeopath Regd. Doctor from 16-10-88 and he is required rest for 4 weeks. However, the concerned workman did not join for duty even after four weeks. Thereafter the concerned workman was served a chargesheet dt. 4-11-88 for remaining unauthorised absence and the concerned workman was directed to explain within 72 hours from the date of receipt of the chargesheet. The concerned workman did not reply to the chargesheet. However, he sent another application dt. 18-11-88 in which he has admitted that he has received the chargesheet dt. 4-11-88 and requested to withdraw the chargesheet on the ground that he is absent due to his illness. The concerned workman was then advised by letter dt. 30-11-88 to report to the Company's dispensary within 3 days for treatment but he did not report at the Company's dispensary. Again he sent another application on 16-12-88 along with a Medical Certificate to extend the leave for an indefinite period due to his illness which was regretted by the management's letter dt. 26-12-88. The concerned workman remained absent without satisfactory explanation. Therefore the management constituted an enquiry for misconduct of remaining absent for more than 10 days under Clause 19(16) of the Certified Standing Orders. The enquiry was fixed on 30-12-88 but the concerned workman did not attend the enquiry rather he sent a letter dt. 11-1-89 requesting to extend his leave for one month. This was again regretted by letter dt. 21-12-89 by Regd. Post. He was also advised to attend the enquiry into the charge levelled against him by chargesheet dt. 4-11-88 but he did not attend the enquiry. Thus the enquiry proceeded against the concerned workman ex parte. The enquiry officer submitted his enquiry report holding him guilty of the misconduct of remaining absent without permission or satisfactory cause and on that basis the concerned workman has been dismissed with effect from 1-4-89.

4. According to the management the concerned workman has remained unauthorisedly absent and has prayed for extension of leave on the bogus ground of illness and procured medical certificate and in spite of the fact that he was directed to report to Company's dispensary he deliberately did not attend the Company's dispensary which at a distance of 5 K.M. away



from the residence of the concerned workman whereas the medical certificate submitted by him is of a Homeopathic doctor of Karkend which is at a distance of 10 K.M. from his house. Therefore, there is no reason why the concerned workman did not report to Company's dispensary where it could not be ascertained whether he was actually suffering from any disease. But he has knowingly avoided to attend the Company's dispensary because he was not at all suffering from any disease. Thus the concerned workman was absent from duty from 15-10-88 till the date of his dismissal i.e. 1-4-89 about 6 months. Therefore, the management after holding a fair and proper enquiry has dismissed him which is fully justified.

5. The concerned workman on the other hand has pleaded that the management did not give him proper opportunity to defend him and has proceeded with ex parte enquiry in not haste and the entire proceeding of the domestic enquiry is vitiated due to non-application of the principles of natural justice and on this score the dismissal of the concerned workman is absolutely void. Further according to him the finding of the Enquiry Officer is perverse because the concerned workman has admittedly applied for leave on the ground of illness with medical certificate and therefore the finding of the enquiry Officer is not just and proper and therefore on that ground also the dismissal of the concerned workman is unjustified and arbitrary.

6. The management has brought on record the entire proceeding of the domestic enquiry. Thereafter the representative of the concerned workman conceded that the domestic enquiry conducted against the concerned workman is fair and proper. Accordingly by Order dt. 16-3-94 the domestic enquiry has been held to be fair and proper.

7. Since it has been held by this Tribunal that the domestic enquiry conducted by the management is fair and proper, therefore, the only question to be decided is:

“Whether on reappraisal of the materials collected during the domestic enquiry, the finding of the domestic enquiry is just and reasonable? If so, whether the punishment awarded to the concerned workman is disproportionate to the alleged misconduct and if the concerned workman is entitled to any relief?”

#### FINDINGS

8. The management has brought on record the entire proceeding file of the domestic enquiry Ext. M-1 is the original office copy of the chargesheet dt. 4-11-88 Ext. M-2 is the office copy of the letter dt. 21-2-89 to the concerned workman regarding holding of enquiry on 27-2-89 at 9 A.M. Ext. M-3 is the dismissal letter to the concerned workman which is dt. 21/28-3-89 Ext. M-5 is another letter of enquiry dt. 26-12-88. Ext. M-6 is the original enquiry proceeding along with papers, Ext. M-7 is the enquiry report, Ext. M-8 is the photo copy of the Standing Order and Ext. M-9 is the service record of the concerned workman. From the ordersheet of the proceeding it appears that during the domestic enquiry Shri C. M. Nandi was examined who has stated that the concerned workman who was clerk Grade-II was granted leave from 8-10-88 to 14-10-88. Subsequently he started absenting from duty from 15-10-88 and remained absent even till

27-2-89 i.e. the date on which he has deposed before the Enquiry Officer. He has further stated that since the concerned workman was absent for more than 10 days, so as per the Standing Order he was issued with a chargesheet dt. 4-11-88 for committing misconduct under clause 19(16) of the Certified Standing Orders of the Company. It was sent to the concerned workman in his home address by Regd. Post, Shri Sharma also sent one application dt. 17-10-88 along with a medical certificate to extend his leave for 4 weeks on medical ground. He again sent another application dt. 18-11-88 admitting receipt of the chargesheet dt. 4-11-88 and requesting to withdraw the chargesheet on the ground that he is absent from duty due to his illness. His request for extension of leave was regrettably and was advised to take treatment at company's dispensary within 3 days by letter dt. 30-11-88, in that letter it was mentioned that sick leave cannot be granted for an indefinite period. But again he sent an application dt. 16-12-88 along with a medical certificate to extend the leave for an indefinite period. The request was again regretted by letter dt. 26-12-88 sent to him by Regd. Post. In that letter he was also asked to attend the enquiry against the chargesheet dt. 4-11-88 on 30-12-88 at 9 A.M. But he did not turn up in the enquiry on the scheduled date time and place and instead sent another application dated 11-1-89 and requested to extend his leave for one month. His request was again regretted and he was again informed by letter dt. 21-2-89 by Regd. Post that enquiry will be held on 27-2-89 yet he did not attend the enquiry on that date, time and place. He, however, sent an application dated 27-2-89 with request to adjourn the enquiry due to his wife's illness. All the five application of the concerned workman and three Medical Certificates and Postal receipts of Registration Certificate of the management's letter were produced before the enquiry showing that the concerned workman was regretted leave yet he did not join duty. The concerned workman was also asked to attend Company's dispensary but he did not report for examination by the Company's doctors which at a lesser distance from his residence than the doctor where he was attending. In the W.S. and at the time of argument also it has been submitted that allopathic treatment did not suit him, therefore, he was taking Homeopathic treatment. However, he has not produced any evidence to show that he was allergic to Allopathic treatment. The fact that inspite of the direction of the management he did not attend the Company's dispensary for his treatment goes to show that actually he was not suffering from any disease, otherwise there is no reason why he did not attend the Company's dispensary for treatment. The Company's doctor could have examined him and certified whether he was suffering from any diseases. Therefore, I find that the explanation of the concerned workman that he was suffering from illness and was under treatment of a Homeopathic doctor does not appear to be convincing. During the domestic enquiry also he did not appear inspite of service of several notices and went on praying for adjournment on one ground or the other and for the ex parte domestic enquiry he has to be blamed himself. At the domestic enquiry also he could have brought on record that actually he was suffering from any disease by examining the doctor who has granted him certificate or at that time also he could have produced himself for examination by the doctors of the

Company in order to ascertain whether he was suffering from any illness. But he did not do so. Therefore, absence of the concerned workman for about 6 months on the alleged ground of illness is not at all justified or satisfactory. If at all he was suffering from any illness he should not have felt shy in reporting to company's doctor. Therefore, in my opinion the finding of the Enquiry Officer is perfectly justified.

9. However, in my opinion, the misconduct of unauthorised absence has been proved against the concerned workman but the punishment of dismissal appears to be bit harsh. Therefore, he is entitled to reinstatement into service. The concerned workman was actually offered to be reinstated without back wages during the time of conciliation as it has been asserted by the management in the W.S. which has not been denied by the concerned workman. In spite of this offer of reinstatement the concerned workman did not join duty. This shows that he wants wages without doing any duty. Therefore, in my opinion he is not at all entitled to any back wages. However, he is simply entitled for reinstatement without continuity of service or any other benefit.

In the result, I render the following

#### AWARD

"The action of the management of Sijua Colliery of M/s. Tisco, in dismissing Shri Vishamitra Shahrma w.e.f. 1-4-1989 is not justified. The concerned workman is entitled for reinstatement without back wages of continuity of service or any other benefit."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 24 जनवरी, 2001

का. आ. 338.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2001 को प्राप्त हुआ था।

[सं. एल-20012/258/93-आई आर (सी-1)]  
एस. एस. गुप्ता अवर सचिव

New Delhi the 24th January, 2001

S.O. 338.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd., and their workman, which was received by the Central Government on 23-1-2001.

[No. L-20012/258/93-I.R.(C-I)]  
S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 25 of 1995.

#### PARTIES :

Employers in relation to the management of Sayal 'D' Colliery of M/s. Central Coal-fields Ltd.

#### AND

Their Workmen.

#### PRESENT :

Shri Sarju Prasad, Presiding Officer.

#### APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workman : Shri Sarju Dusadh, Concerned Workman.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, the 16th January, 2001

#### AWARD

By Order No. L-20012/258/93-I.R.(C-I) dated 2-1-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Sayal--'D' Colliery/Area of M/s. CCL, P.O Sayal, District Hazaribagh is justified in not correcting the age of Shri Sarju Dusadh as recommended by Enquiry Committee as on 1-1-1944 instead of 15-2-36. If not, to what relief the workman is entitled?"

2. In the case both the parties have filed their respective written statements, rejoinders and documents. Thereafter the case was fixed for adducing evidence on behalf of the management. But to-day i.e. 16-1-2001 the concerned workman, Sarju Dusadh, appears and files a petition stating therein that he does not want to contest the case and prays for passing a 'No Dispute' Award.

3. In view of the prayer of the concerned workman, I render a 'No Dispute' award in the present case.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 25 जनवरी, 2001

## SCHEDULE

का. अ. 339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2001 को प्राप्त हुआ था।

[सं. एल-20012/116/91-आई आर (सी-1)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 25th January, 2001

S.O. 339.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 19-1-2001.

[No. L-20012/116/91-IR(C-I)]

S. S. GUPTA, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

## PRESENT :

Shri Sarjoo Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 94 of 1991

## PARTIES :

Employers in relation to the management of Angarpathra Colliery of M/s. B.C.C. Ltd.

## AND

Their workman.

## APPEARANCES :

On behalf of the workmen—Shri S. Bose, Treasurer, RCMS Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Jharkhand.

INDUSTRY : Coal

Dated, Dhanbad, the 5th January, 2001

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(116)/91-I.R.(Coal-I), dated, the 4th October, 1991.

“Whether the action of the management of Angarpathra Colliery of M/s. Bharat Coking Coal Ltd. in terminating the services of Shri Asha Ram Passi, Miner/Loader w.e.f. 16/17-8-1990 is justified? If not, to what relief the workman is entitled?”

2. This Industrial Dispute arises out of termination of service of Shri Asha Ram Passi, Miner/Loader with effect from 16/17-8-90. The concerned workman Asha Ram Passi was appointed as Miner/Loader by letter of appointment dated 6-4-89 issued by the Dy. Chief Mining Engineer, Angarpathra Colliery on compassionate ground. One Putnu Passi was Coal dresser who died during a Mining Accident on 25-2-89. The concerned workman Asha Ram Passi applied for employment in place of Putnu Passi claiming that he is the son of deceased workman Putnu Passi. On that basis he was appointed by letter of appointment 6-4-89. For getting employment Piyari Devi, the mother of the concerned workman Asha Ram Passi and his two brothers have filed affidavits stating that there are no other claimants of the services as dependent of deceased workman Putnu Passi. Subsequently a complaint was received by the management sometimes in the month of November, 1989 in which it was alleged that actually Asha Ram Passi is the son of Ramsumer Passi, a brother of Putnu Passi and Putnu Passi had a daughter named Laliti Devi who is entitled for employment and other benefits arising out of the death of Putnu Passi. On receipt of this complaint the matter was examined and the concerned workman was also asked to explain. Thereafter it was found that actually the concerned workman Asha Ram Passi is the son of Ram Sumer Passi, brother of deceased workman Putnu Passi. Therefore, he was issued with a chargesheet dated 9/13-12-89 alleging that he has obtained employment falsely alleging that he was the son of Putnu Passi and has he had committed fraud which is a misconduct under clause 17(i)(a) and has given false information regarding father's name etc. at the time of employment which is a misconduct of the clause 17(1)(c) of the Model Standing Orders applicable to Angarpathra Colliery, where the concerned workman was employed. The concerned workman replied to the chargesheet by Ext. M-2 denying the allegation. However, his explanation was not found satisfactory and he has virtually admitted that he is the son of Ram Sumer Passi and after the death of Ram Sumer Passi his mother Peyari Devi had been married with Putnu Passi. Thereafter his mother, he along with his other brothers are residing as son of Putnu Passi. Therefore, the management constituted an enquiry by letter dated 6/8-1-90 and Mr. M. C. Yadav, Dy. P.M. was appointed as Enquiry Officer and Shri K. N. Jha, Sr. P.O. Angarpathra Colliery was appointed as management's representative. Notices of enquiry were given to the concerned workman who appeared and participated in the enquiry along with his co-worker. In his presence witnesses were examined, documents were produced and he was allowed to adduce his own evidence and that of his defence witness in his defence. Thereafter the Enquiry Officer submitted

report of enquiry holding him guilty of the misconduct and gave a clear cut finding that since the concerned workman himself and his mother has admitted that he is the son of Ram Sumer Passi whereas Lalti Devi is the only daughter of deceased workman Putnu Passi. Therefore, the concerned workman has given false statement regarding his father's name and by practicing fraud he has obtained employment. Therefore, he is guilty of the misconduct. Upon these findings of the Enquiry Officer the management decided to dismiss the concerned workman and by letter dated 16/17-8-90 the concerned workman has been dismissed from service with immediate effect.

3. The concerned workman in it's W.S. has denied the fairness and propriety of the domestic enquiry and has submitted that the Chief Mining Engineer/Agent was not competent to issue a charge sheet and no proper and fair enquiry was conducted. However, after the management examined the Enquiry Officer and produced all the documents of enquiry then the representative of the concerned workman fairly conceded that the enquiry was fair and proper. Accordingly it has been held that the domestic enquiry was fair and proper.

4. Since the domestic enquiry has been found to be fair and proper only point to be decided is :—

“Whether on reappraisal of the evidence adduced during the domestic enquiry the charges of misconduct levelled against the concerned workman is proved? If so, whether the order of dismissal is the punishment proportionate to the charges of misconduct?”

#### FINDINGS

5. During the domestic enquiry the representative of the management has produced the Application Form filed by the concerned workman for appointment claiming himself to be the son of deceased workman Putnu Passi. In his application for employment he has not mentioned the name of Lalti Devi the daughter of deceased workman Putnu Passi. During the course of enquiry it was found that in some papers the wife's name of Putnu Passi, deceased workman was mentioned as Indo Devi whereas the concerned workman has filed application for employment claiming his mother's name as Peyari Devi. Then the management had issued notice to Peyari Devi to produce certificate from Mukhiya certifying that she is the wife of Putnu Passi and the real person entitled to get appointment in place of Putnu Passi. To this Peyari Devi filed a certificate from Gram Pradhan countersigned by the B.D.O. to the effect that Putnu Passi was initially married with Indo Devi who died on 24-6-75. Thereafter Putnu Passi had married with Peyari Devi. It was also certified that Putnu Passi had got no son/daughter from Indo Devi. On this basis the concerned workman Asharam Passi was offered provisional employment by appointment letter dated 6-4-89. The management has also filed a complaint against the concerned workman stating that he is not the son of Putnu Passi rather he is the son of Ram Sumer Passi, the brother of Putnu Passi, the deceased workman. The complaint contained the photo copy of Family Register of Gaon Sabha, Photo

copy of Electoral Roll of the village of the year 1988 and Photo copy of School certificate of Asharam Passi and photo copy of Khatiani or Tenancy land to prove that actually Asharam Passi is the son of Ram Sumer Passi and he has falsely claimed to be the son of Putnu Passi. The concerned workman has examined himself during the domestic enquiry and has admitted this fact. He has also examined Peyari Devi who too has admitted that all her three sons were born from Ram Sumer Passi and after the death of her husband Ram Sumer Passi she had married with Putnu Passi. They have also admitted that actually Lalti Devi is the daughter of Indo Devi who was born from Putnu Passi. Thus from the own admission of the concerned workman and his mother it is crystal clear that the concerned workman is the son of Ram Sumer Passi and he is not the own son of Putnu Passi. No document has been filed to show that at any point of time Putnu Passi had adopted him as son. The concerned workman has nowhere claimed to be as an adopted son of Putnu Passi. From the very admission of the concerned workman and his mother it is clear that he is the son of Ram Sumer Passi, the brother of deceased workman Putnu Passi and he has obtained employment claiming to be the son of Putnu Passi is false. Thus I find that the findings of the enquiry officer that he has committed fraud and has given false statement regarding his father's name for getting employment has been clearly proved. Therefore, the findings of the Enquiry Officer is just reasonable and every prudence will come to the same findings as that of the Enquiry Officer.

6. Since the alleged misconduct is serious one, therefore, an imposter cannot be allowed to be taken the benefit of employment on compassionate ground and such employment must go to the real heir of the deceased workman. Therefore, the action of the management in dismissing the concerned workman is fully justified.

7. In the result, I render the following :—

#### AWARD

“The action of the management of Angarpathra Colliery of M/s. Bharat Coking Coal Ltd. in terminating the services of Shri Asha Passi, Miner/Loader w.e.f. 16/17-8-1990 is fully justified. Consequently, the concerned workman is not entitled to any relief.”

SARJU PRASAD, Presiding Officer

नई दिल्ली, 25 जनवरी, 2001

का. आ. 340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2001 को प्राप्त हुआ था।

[सं. एन-20012/188/93-पार्ट आर (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 25th January, 2001

S.O. 340.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd., and their workman, which was received by the Central Government on 19-1-2001.

[No. L-20012|188|93-IR(C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of an application under Sec. 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 69 of 1994.

#### PARTIES :

Employers in relation to the management of Phularitand Colliery of M/s.BCCL.

AND

Their Workmen.

#### PRESENT :

Shri Sarju Prasad.—Presiding Officer.

#### APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri S. Bose, Treasurer, Rashtriya Colliery Mazdoor Sangh.

STATE : Jharkhand. INDUSTRY : Coal:

Dated, the 8th January, 2001.

#### AWARD

By Order No. L-20012|188|93-I.R.(Coal-I) dated the 24th March, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Phularitand Colliery of M/s. BCCL, P. O. Nawagarh, Distt. Dhanbad in dismissing Sh. Lachman Nonia, Miner/Loader w.e.f. 27-7-1992 is justified? If not, to what relief is the concerned workman entitled?”

2. This reference arises out of dismissal of one Lachman Nonia, Miner/Loader of Phularitand Colliery of M/s. B.C.C. Ltd., by its management.

3. The concerned workman, Lachman Nonia Miner/Loader was a permanent employee of M/s. B.C.C. Ltd. at Phularitand Colliery. He was served with a charge-sheet dated 18-19-2-1992 alleging that he was on casual leave for two days i.e. from 31-1-92 to 1-2-92 and thereafter on sick leave from

3-2-92 to 7-2-92, but after 8-2-92 he was absent without leave or information to the management. It was further alleged that prior to this occasion also he was on unauthorised leave for several times and for that eight charge-sheets were issued to him on different dates and he was warned for 75 times on different dates for remaining unauthorised absence, yet he did not mend himself and he is a habitual unauthorised absentee. The concerned workman has replied to the charge-sheet practically admitting his absence from duty. The management did not find his reply satisfactory, therefore an enquiry was constituted in which Sri R. K. Choudhury, Deputy Personnel Manager was appointed Enquiry Officer and Shri K. K. Singh, Asstt. Colliery Manager was appointed representing officer. The enquiry was held in presence of the concerned workman, Lachman Nonia in which he participated. In his presence the witnesses of the management were examined and documents were produced. He was also allowed to give his own statement and defence if any. Thereafter an enquiry report was submitted holding the concerned workman guilty of habitual absence for which eight previous charge-sheets were given to him and he was given warning on 75 occasions. The Enquiry Officer found him guilty of the misconduct. Therefore on the basis of such enquiry the concerned workman has been dismissed from service by dismissal letter dated 27-7-92. The sponsoring union, Rashtriya Colliery Mazdoor Sangh has raised the industrial dispute against the order of dismissal.

4. According to the concerned workman, he was suffering from occupational disease and was under treatment of doctor, therefore he was not present to his duty. But when he went to report for duty on 31-7-92 he came to know that he has been dismissed from service. According to him, the management has not held the domestic enquiry properly and fairly and since he was suffering from occupational disease, Pheumoconiosis, he was absent from duty and when he was certified fit then he reported for duty on 31-7-92. The concerned workman has not disputed that on earlier occasions also he was given charge-sheets on eight occasions for unauthorised absence and was given warning on 75 occasions. Although in the written statement filed by the sponsoring union the domestic enquiry was challenged to be unfair and improper, but during the course of hearing when the management filed all the documents of enquiry then Shri Bose appearing for the sponsoring union conceded fairly that the domestic enquiry has been conducted fairly and properly. Thus, by order dated 11-2-97 the domestic enquiry has been held to be fair and proper.

5. Thus, now the only question to be decided is whether on reappraisal of the evidence collected during the domestic enquiry the charges against the concerned workman, Lachman Nonia for having committed a misconduct is proved? If so, whether the punishment is appropriate to the charges of misconduct?

#### 6. FINDINGS :

The management has produced proceedings of the domestic enquiry which has been marked Exts. M-1 to M-5. Ext. M-1 is the charge-sheet which mentions that besides remaining absent from

8-2-92 the concerned workman was also absent on earlier occasions for which eight charge-sheets were given to him, the number of charge-sheets with dates has been mentioned therein. The charges also allege that on 75 occasions of different dates by different letter numbers the concerned workman has been warned for remaining unauthorised absence right from the year 1981 to 1992. But the concerned workman did not mend himself. Ext. M-2 is the notice of enquiry. Ext. M-3 is enquiry proceeding. Ext. M-4 is enquiry report and Ext. M-5 is the order of dismissal.

7. From Ext. M-3 it appears that the management representative during the course of enquiry has produced all the eight charge-sheets and warning letters, but the concerned workman has not denied to have received those charge-sheets or warning letters. Besides this the management has examined the Attendance Clerk, Bill Clerk and Leave Clerk and from their evidence it appears that the concerned workman was absent from duty without any information from 8-2-92. In the written statement of the concerned workman also it has been admitted that he remained absent upto 30-7-92 but he has taken a plea that he was suffering from occupational disease, but he has not produced any medical certificate during the course of enquiry nor any medical certificate has been brought before this Tribunal. In his evidence the concerned workman has stated that he was absent because he was ailing, his son had died four months ago and his first wife had also died, then he had married with another lady. In his evidence he has admitted that he was absent without information to the management. Thus, I find that the concerned workman was absent without information to the management right from 8-2-92 to 30-7-92 and for this period he has not filed any medical certificate to show that he was suffering from any disease and was under treatment of any doctor. The management has also been able to prove that prior to this the concerned workman was issued chargesheets on eight occasions on different dates and he was warned to be careful for remaining absent unauthorisedly on 75 occasions. Yet he did not mend himself. Therefore, the charges against the concerned workman has been fully established during the domestic enquiry.

8. The learned representative of the sponsoring union has placed reliance in a case of Hon'ble Supreme Court, Syed Zaheer Hussain Vs. Union of India reported in F.L.R. 1999(81) page 704 in which Zaheer Hussain was absent from duty unauthorisedly from 9-1-85 to 15-1-85 i.e. only for a week and on that ground he was dismissed. The Hon'ble Supreme Court held that the order of dismissal is too harsh and set aside the dismissal ordered for reinstating him with 50 per cent back wages. The management, on the other hand, has placed reliance in a ruling of Hon'ble Patna High Court in the case of Janardan Singh Vs. State of Bihar reported in 2000 Lab. I.C. at page 967 in which Janardan Singh was absent from duty for a period of 215 days on the pretext of sickness of himself, his wife or his son and in that case Hon'ble Patna High Court has been pleased to hold that the misconduct committed by the concerned workman is grave and dismissal is just punishment. So for the case of

Syed Zaheer Hussain is concerned he was absent for only one week and there was no previous history of his remaining absence without permission or leave. But in the present case the concerned workman, Lachman Nonia was habitual unauthorised absentee and for that he was issued chargesheet on eight different occasions and was awarded various punishments. He was also warned against unauthorised absence on 75 occasions, yet he did not care to be diligent to his duty and remained absent for about five months without any information to the management, therefore in such circumstances and applying the principle of Janardan Singh's case referred above I think that the action of the management in dismissing him is perfectly justified and the concerned workman is not entitled to any relief.

9. It is worth to mention that since the concerned workman has died sometime in the year 1996 and in his place his second wife has been brought on record. But since I have already held that the action of the management is justified and the concerned workman was not entitled to any relief, therefore in my opinion, the second wife of the concerned workman is also not entitled to any relief.

10. In the result, I render—

**AWARD—**

That the concerned workman is not entitled to any relief.

**SARJU PRASAD, Presiding Officer**

नई दिल्ली, 25 जनवरी, 2001

का. आ. 341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सो. एल. के प्रबन्धत्व के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2001 को प्राप्त हुआ था।

[सं. एल-24012/34/83-डीयू(बी)आईआर (सी-1)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 25th January, 2001

S.O. 341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 19-1-2001.—

[No. L-24012/34/83-DU(B)/IR(Coal-I)]

**S. S. GUPTA, Under Secy.**

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1 AT  
DHANBAD

## PRESENT :

Shri Sarjoo Prasad, Presiding Officer.

In the matter of an Industrial Dispute under  
Section 10(1) (d) of the I.D. Act., 1947

Reference No. 158 of 1994

## PARTIES :

Employers in relation to the management of Ena  
Colliery of M/s. Bharat Coking Coal Ltd.,  
Kastore Area No. VIII.

## AND

Their Workman

## APPEARANCES :

On behalf of the employer : Shri D. K. Verma,  
Advocate.On behalf of the workmen : Shri S. N. Goswami,  
Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 3rd January, 2001.

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)-(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(34)/83-D.4(B)/I.R. (Coal-I) dated the 22nd/25th July, 1994.

## SCHEDULE

"Whether the action of the management of Ena Colliery of M/s. Bharat Coking Coal Ltd. in dismissing the workman, Shri Mahadeo Prasad, Drillman from service is justified? If not, what relief is the concerned workman entitled to?"

2. The brief fact giving rise of this dispute is that Mahadeo Prasad who was working as Drillman at Ena Colliery of M/s. BCCL was served with a charge-sheet dt. 4-9-82 by the Manager of the colliery alleging that on the night of 9-3-82 at 8.30 P.M. he threw brick-bats into the house of Shri B. N. Sahay, Asstt. Manager and when he came out of his house the concerned person was found there along with his son whom Shri Sahay enquired as to why he threw brick bats. On this it is alleged that the concerned workman abused him and said that "SALE TUM BAHUT CHARGE-SHEET DETA HAI, AB MAJA DEKHO" Thereafter he assaulted Shri Sahay with lathi with the help of his son and family members as a result of which Shri Sahay got injury on his knee and both the legs and wrist of his left hand. Thus the concerned workman has committed misconduct in terms of Clause 29(5) of the Certified Standing Order. The concerned workman submitted his reply totally denying the allegations levelled against him. He has asserted that since the concerned workman's son has constructed a Gumti

near the Bungalow of Shri Sahay and Shri Sahay had directed him to shift the said Gumti from that place, however, that place does not belong to the Company and for this reason he got a false charge-sheet issued against him which was dated 2-3-82 alleging that the concerned workman has mis-behaved with him on 17-2-82. On the strength of that chargesheet the concerned workman was suspended for 10 days and due to that grudge Shri Sahay has levelled false allegation against the concerned workman Mahadeo Prasad. The reply of the concerned workman was not found satisfactory by the management. Therefore, the Manager by letter dt. 7-9-82 constituted an enquiry to be conducted by Shri A. N. Pathak Personnel Officer, ROCP South Jharia and Shri A. K. Srivastava, Deputy Personnel Manager, Ena Colliery was appointed as Presenting Officer in the above case. Notices of enquiry were given to the concerned workman who appeared before the enquiry and participated in the enquiry along with his co-worker Ram Gopal. The Enquiry Officer after due enquiry submitted his enquiry report holding the concerned workman guilty of the charges levelled against him and on the basis of such findings the concerned workman has been dismissed by letter dt. 28-9-82. Against that dismissal the present dispute has been raised and has been referred to this Tribunal by the appropriate Government by letter dt. 22/25-7-94 after a lapse of 12 years.

3. According to the management the concerned workman has constructed a Gumti adjacent to the boundary wall of the bungalow of Shri B. N. Sahay, Asstt. Manager which is in the land of the Company. The concerned workman was directed by Shri Sahay to shift his Gumti but he did not shift his Gumti rather on 17-2-82 when Shri Sahay, Asstt. Manager of the colliery was returning from duty he was stopped by the concerned workman and mis-behaved for which the concerned workman was chargesheeted. A domestic enquiry was held in which he participated and was found guilty of the misconduct. Thereafter as a punishment he was suspended for 10 days. A criminal Case was also lodged for the same said offence in which the concerned workman was convicted and sentenced to pay a fine of Rs. 500 for having committed offence punishable under Section 341 of the Indian Penal Code. Against that order of Conviction the concerned workman has moved the Hon'ble High Court in Criminal Revision in which the conviction of the concerned workman was upheld but the imposition of Fine was set aside and instead of that he was ordered to be let on executing a probationary bond for keeping good behaviour. Again the concerned workman had committed a second misconduct on the night of 3-9-82 at about 8.30 P.M. when he threw brick-bats in the house of Shri B. N. Sahay Asstt. Manager, abused him and assaulted him by lathi with the help of his son and family members as a result of which Shri Sahay got injury. Therefore, a second chargesheet was issued to him which is dt. 4-9-82 and again a second domestic enquiry was held for the second chargesheet in which the concerned workman participated along with his co-worker. He was given full opportunity to cross-examine the management's witnesses and also to adduce his evidence in his defence, which he availed. In the domestic enquiry charges levelled against him were proved. Therefore, the enquiry officer submitted report holding him



guilty of the misconduct and on that basis the concerned workman has been dismissed from service because the misconduct is serious one. According to the management the domestic enquiry was held following the principles of natural justice and was fair and proper. However, the concerned workman has taken a plea in the W.S. that the domestic enquiry was not held fairly and properly and in the domestic enquiry charges were not proved yet he has been punished for having committed no misconduct. At the instance of the management the fairness and propriety of the domestic enquiry was taken up as a preliminary issue. The management has brought on record the entire proceeding file of the domestic enquiry and has examined witnesses to show that the domestic enquiry was fair and proper. The lawyer of the concerned workman after going through the proceeding of the domestic enquiry which have been marked as Ext. M-1 to M-9, fairly conceded that the domestic enquiry conducted by the management was fair and proper and accordingly by Order dt. 9-7-82 the domestic enquiry has been held to be fair and proper. Thereafter the case was placed for hearing on merit.

4. Since the domestic enquiry conducted by the management was found to be fair and proper and therefore, the points to be decided are :—

- (i) Whether on reappraisal of the evidence collected during the domestic enquiry the charges of the misconduct is proved against the concerned workman and
- (ii) whether the punishment of dismissal is proportionate to the alleged misconduct committed by the concerned workman?

### FINDINGS

#### Point No. 1

The management has brought on record the chargesheet dt. 4-9-82 which has been marked as Ext. M-1 and reply of the concerned workman to this chargesheet marked as Ext. M-1|1. Ext. M-2 is the appointment letter of the Enquiry Officer marked, Ext. M-3 is the notice of enquiry and Ext. M-4 is day-to-day proceeding of the domestic enquiry, including the evidence recorded during the enquiry. It appears that the management has examined only one witness, namely, Shri B. N. Sahay, Asstt. Manager who has fully supported his allegation during his evidence. He has also produced medical certificate which was marked as Ext. M-2 during the domestic enquiry from which it appears that the Medical Officer of the State Dispensary has certified that Shri B. N. Sahay, Asstt. Manager, Ena Colliery attended the State Dispensary at Jharia at 9.30 P.M. on 3-9-82 with Police for treatment of his injuries but in that report there is no mention of any injury on the person of Shri Sahay, complainant. During the domestic enquiry no other injury report was produced to show that actually Shri B. N. Sahay has received injury as alleged by him. No other witnesses have been examined on behalf of the management to support or corroborate the evidence of Shri B. N. Sahay. The concerned workman Shri Mahadeo Prasad has given his statement who has said that on 2-9-82 at 11 P.M. his son was sleeping in the shop and he was on duty

when Mr. Sahay along with a Peon of one Jha Sahib asked from the son of the concerned workman who has thrown brick bats on his house. His son replied that he does not know. Then the Peon of Jha Sahib told that he had been to that side twice or thrice but had seen the boy sleeping. Thereafter Shri Sahay went to his banglow. Again on 3-9-82 when the concerned workman was changing his dress at 8 P.M. Mr. Sahay came to his house along with his servant and asked who has thrown brick bats on his house. The concerned workman replied that he does not know and brick bats are falling on the house of other persons also but Mr. Sahay was not satisfied and he started abusing him and also assaulted him. He also abused his wife but the persons who had assembled there pacified the quarrel. Then the wife of the concerned workman went to report the matter to the Police. The Police came and after enquiry found that the concerned workman had received bleeding injury from both of his elbows and his banian was torn. The concerned workman also examined Hari Dilsadh who too has supported the statement of the concerned workman. But during the domestic enquiry Shri K. N. Jha, Agent of Ena Colliery was examined who had gone thereafter the incident and someone told him that Shri Sahay was assaulted by Mahadeo Prasad and his wife has proceeded to the Police Station. He pacified the mob. He has come to know that Police from Jharia Police Station reached there and they took personal bond from Shri Sahay. Thereafter on 4-9-82 Mr. Sahay made a complaint on the basis of which this chargesheet was issued to the concerned workman. During the domestic enquiry one Mani Saw was also examined from whose statement the evidence of the concerned workman gets support. Thus I find that during the domestic enquiry two types of evidences have been adduced. In one type of evidence Mr. B. N. Sahay, Asstt. Manager has said that it was the concerned workman who abused him and assaulted him but to support his statement there is no independent witness. On the other hand the concerned workman has stated that it was Mr. Sahay who went to his house and abused him and assaulted him and for this atleast three other persons have come to support this defence of the concerned workman. According to Mr. B. N. Sahay he has received injury but no injury report has been filed to show that actually he has received any injury. From the evidence of one of the independent witness it appears that there was quarrel from both sides and both sides were abusing each other and had assaulted each other but the concerned workman has not mentioned this facts in his reply. The explanation for this has been given by him saying that since this was a private dispute he did not think desirable to mention this fact in his reply to the chargesheet. However, that explanation is not very much convincing. From the materials it is clear that the concerned workman has certainly mis-behaved with his superior Mr. B. N. Sahay and from the materials on record it is also established that since the concerned workman has constructed a Gumti and was running a shop there which is adjacent to the Banglow of Mr. B. N. Sahay and Mr. Sahay was wanting that the concerned workman should shift that Gumti to some other place and due to this fact there was bickery between them. It is clear that inspite of the order of the superior the concerned workman did not



shift his Gumti and in that way he appears to have disobeyed the order of his superior but for that a chargesheet was also issued to him and on that basis he was already suspended for 10 days, yet he did not shift that Gumti. This shows that the concerned workman is not a disciplined workman. Anyhow from the evidence of Mr. Sahay it appears that he was assaulted by the concerned workman. Therefore, I find that the concerned workman is certainly guilty of the misconduct. Therefore, this point is decided accordingly.

## POINT NO. II

From the materials available on record I find that the defence witness have said that it was Mr. Sahay who had actually assaulted the concerned workman. Therefore, it cannot be said that Mr. Sahay has not committed any sort of action by which such situation was created. Mr. Sahay also appears to be totally indisciplined. He should not have gone to the house of the concerned workman to create such an ugly situation. Therefore, in my opinion the dismissal of the concerned workman appears to be a bit harsh punishment and in my opinion, if the concerned workman is ordered to be reinstated without back wages, this will be a sufficient punishment to him. In the result, I render the following Award :—

"The action of the management in dismissing the concerned workman Mahadeo Prasad is not justified and he is entitled for reinstatement without any back wages or continuity of service."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का. आ. 342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2001 को प्राप्त हुआ था।

[सं. एन-42012/101/87- डी-2 (बी)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st February, 2001

S.O. 342.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 31-1-2001.

[No. L-42012/101/87-D2(B)]  
N. P. KESHVAN, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/92/88.

Presiding Officer : Shri K. M. Rai.  
Shri Praveen Kumar Tiwari,  
Ex. Security Guard,  
FCI, Itarsi.

Shri Rajendra Kumar Mehra,  
Ex. Security Guard,  
FCI, Itarsi.

Shri Nand Kishore Sahu,  
Ex. Security Guard,  
Post Junarpur,  
Hoshangabad.

Shri Kishore Kumar Madhav,  
S/o Babulal Madhav,  
Ex. Security Guard,  
FCI, Itarsi.

Shri Harishanker Shukla,  
Ex. Security Guard,  
FCI, Itarsi.

APPLICANTS

Versus

The Managing Director,  
Food Corporation of India,  
16—20, Barakhamba Lane,  
New Delhi.

The Regional Manager,  
Food Corporation of India,  
Chetak Bhavan,  
Maharana Pratap Nagar,  
Bhopal.

The Assistant Manager,  
Buffer Storage Complex,  
Food Corporation of India,  
Juzarpur Road,  
Itarsi.

NON-APPLICANTS

## AWARD

Passed on this 8th day of January, 2001

1. The Government of India, Ministry of Labour vide order No. L-42012/101/87-D-2(B) dated 19-8-88 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Food Corporation of India in terminating the services of Shri Praveen Kumar Tiwari, Shri Rajendra Kumar Mehra, Shri Nand Kishore Sahu, Shri Kishore Kumar Madhav and Shri Harishanker Shukla as chowidar/security guard is legal and justified? If not, what relief the workmen are entitled for?"

2. The case for the workmen is that they were appointed as Security Guard/Watchman in April-84, July-84, September-84, June-82, April-83 and

June-83 respectively by the Assistant Manager, Buffer Storage Complex, FCI, Itarsi, MP. Their services were governed by the standard standing orders. They had continuously worked for more than 240 days and therefore they had attained the status of a permanent employee as per the provisions of law. Their services were illegally terminated in the month of August-86 without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947. They were neither paid any retrenchment compensation nor any notice was served on them one month prior to the termination of their services. No D.F. was also conducted against them for any misconduct by the management as required under law. They had served the establishment with all their sincerity and to the entire satisfaction of the superior authorities of the management. Their services were terminated by the management without assigning any reason. In view of all these facts, the termination order deserves to be set aside and they are entitled to be reinstated with all back wages and other consequential benefits attaching to their post.

3. The case for the management is that the workmen were employed as casual labour during the construction work of buffer stock complex at Itarsi. They were not employee of the FCI in terms of the FCI (Staff) Regulation 1971. The management further alleges that the construction work of buffer storage complex at Itarsi was started in the year 1983. The construction work was given to a contractor for a period of 15 months. The contractor could not complete the work within the stipulated period of time and therefore the construction was got completed through another contractor. The construction work was completed on 5-9-88. For the construction work, the casual labour including the workmen were engaged on daily wage basis for the said particular purpose till the completion of work. After the completion of construction work, the services of the casual workers automatically came to an end. The services of workmen were never terminated by the FCI. Their employment came to an end the moment the construction work at Itarsi was completed. FCI does not carry on the business of construction work. The Assistant Manager (Civil) Itarsi had no authority to appoint any person in Class IV category including the present workman. Such appointment can be made only under the provisions of Regulation 6, 7, 8 & 9 of FCI (Staff Regulation) Act, 1972.

4. The management further alleges that the workmen were never given any appointment letter by the FCI nor their names were sponsored by the Employment Exchange as required by the recruitment rules. The workmen were given casual employment only by the contractor for a particular period for the completion of construction work of buffer storage complex at Itarsi. After the completion of work, their employment automatically came to an end. The workmen were never given regular employment by the FCI and therefore they are not entitled to any relief as claimed by them in the instant case. The applicants have never worked continuously for more than 240 days in a calendar year. The management had never violated the provisions of Section 25-F of the

I.D. Act, 1947. In view of all these facts, the reference deserves to be answered in negative.

5. The following points are arising for determination in the present case:—

1. Whether the workmen are entitled to reinstatement with all consequential benefits?
2. Relief and costs?

6. Point No. 1.—Admittedly FCI had started construction of buffer storage complex at Itarsi in the month of March/April-1983. The tenders were invited and the construction work of the buffer storage complex was awarded to M/s. Fortune Foundations, Lucknow to complete the construction work within 15 months. Some other petty work was also awarded to other contractors. The construction was completed on 5-9-88. To carry out the construction work, the contractor had employed some labours who were engaged in completing the said work. During the construction period, the FCI was not to store food-grains or any other material of its own in that complex. The building material had been stored by the concerned contractor who was directly responsible to safeguard his own property. The FCI was not in any way responsible to safeguard the building material of the contractors lying in the buffer storage complex till the construction was completed. If the FCI had not to store any article of its own, then it would not be reasonable to held that he did employ his own worker to safeguard the building materials of the contractors who were carrying out the construction work of the buffer storage complex. The contention of the workman that they were employed by the FCI does not stand to reason.

7. The FCI has contended that the relationship of employer and employee does not exist between the parties to the dispute and therefore the reference is not in accordance with law. Now we have to see as to whether the management has been able to substantiate its contention on the material available on record. All the workmen have admitted in their statement that neither written appointment order was issued to them nor the employment exchange had sponsored their name for the appointment as watchman/chowkidar at buffer storage complex at Itarsi. The recruitment of class IV employees is done by the FCI in accordance with the procedure laid down by the Staff Recruitment Regulations. The Assistant Manager of FCI is not empowered to make appointment of class IV employees or any casual labour. Only the Divisional Manager/District Manager is competent to make such appointment by following the regulations prescribed in respect thereof. Even if it is assumed for the sake of argument that the Assistant Manager of FCI had employed the workmen, then such appointment is void-ab-initio which will have no force in law and on this basis the workmen cannot be held to be an employee of FCI. At the same time the proper procedure have not been followed in recruiting them by the competent authority. This fact also goes against the workmen.

8. The management has categorically expressed that there is no post of security guard in FCI and therefore the question of appointment for this post

does not arise at all. The regular watchmen are engaged in safeguarding the property of FCI lying in their respective godowns. In such a circumstance also, the workmen could not be appointed as security guard by any authority of the FCI as there was no such sanctioned post in respect thereof. On this basis also, the workmen cannot be said to be an employee of the FCI.

9. The workmen have not been able to establish that they have actually worked for 240 days in a calendar year as an employee of FCI at Itarsi. They have specifically asserted in their statement that their attendance was recorded in the attendance register of FCI. To support this contention neither they have got the attendance register produced by the FCI nor any document regarding their attendance has been filed by them to show that they had worked for more than 240 days in a calendar year. The FCI regularly maintains the attendance register of its employees. Had the workmen been employed by the FCI then their attendance must have been entered into the said register. In this case, the attendance register does not disclose the names of the workmen at all. There is no reason to discard the evidence of the management in this respect that the workmen were never employed as security guard at buffer storage complex, Itarsi during the construction period. The burden was on the workmen to prove that they were employed by the FCI and they had actually worked for 240 days in a calendar year to attain the status of a permanent employee. They have utterly failed to discharge their burden in this respect.

10. The workers have admitted that no termination order was served on them by the FCI. This fact also goes to show that the workmen were not employed by the FCI otherwise they would have been definitely served with a termination order.

11. In view of the foregoing discussions, it is established that the relationship of employer-employee never existed between the workmen and the FCI. The workmen were never employed by the FCI to safeguard their property at Buffer Storage Complex, Itarsi. The workmen are therefore not entitled to reinstatement with back wages or other consequential benefits attached to the post. Point No. 1 is answered accordingly.

12. Point No. 2.—In view of my findings given on Point No. 1, the workmen are not entitled to any relief as claimed by them in this case. No relationship of employer-employee exists between the parties. Hence the reference is answered in favour of the management and against the workmen.

13. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का.प्र. 343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्.ई.सी.एल. के प्रबन्धन के संबंध नियोंकों और उनके कर्मचारों के बीच, माघ 28 में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 को प्राप्त हुआ था।

[मं. एन. -22012/66/2000-आई आर(सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st February, 2001

S.O. 343.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.E.C.L. and their workman, which was received by the Central Government on 30-1-2001.

[No. 1-22012/66/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-274/2000

Employers in relation to the management of  
General Manager, S.E.C.L.

AND

Their Workman Shri Birendra Singh.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. 1-22012/66/2000/IR(CM. II) dated 15-9-2000 on the following schedule.

SCHEDULE

"Whether the action of the General Manager, Sohagpur Area of SECL, PO : Dhanpuri, District Shahdol (MP) in superseding Sh. Birendra Singh, Cost/Accounts Clerk Grade 1 by his juniors is legal and justified? If not, to what relief the concerned workman is entitled?"

In this reference, the notice was issued to the workman on 26-9-2000. Neither the workman turned up nor the President of MPPKS Lipik Sangh appeared to represent the workman. Shri M. D. Diven the union representative says that he is not contesting this case for the workman.

No statement of claim has been filed by the workman. For management of South Eastern Coalfield Ltd., Shri A. K. Jain, Legal Inspector is present.

As the workman has not submitted any statement of claim and nobody turned up to represent him, the reference is disposed off for the want of prosecution.

### ORDER

The reference is disposed off for want of prosecution as the workman or his union did not turn up to file any statement of claim. The workman is therefore not entitled to any relief.

The reference is answered accordingly.

B. G. SAXENA, Presiding Officer

Date : 22-12-2000.

नई दिल्ली, 1 फरवरी, 2001

का.प्र. 344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यु.सी.एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/थम न्यायालय, नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 को प्राप्त हुआ था।

[सं.एल.-22012/137/93-आई आर(सी-II)]  
एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st February, 2001

S.O. 344.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 30-1-2001.

[No. L-22012/137/93-IR (C-II)]

N. P. KESAVAN, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-149/2000

Employers in relation to the management of Rajur Sub Area of W.C. Ltd.

AND

Their Workman Shri Furushottam Gopal Padole

### AWARD

The Central Government, Ministry of Labour New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-22012/137/93-IR(C.II) dated 25-8-93 on the following schedule:

### SCHEDULE

"Whether the action of the management of the Area Manager, Rajur Sub Area of W.C. Ltd., PO : Rajur, Tal : Wani, Distt. Yeotmal (MS), in dismissing the service of Shri Purushottam Gopal Padole is justified or not? If not, to what relief the workman is entitled?"

This reference was sent to CGIT Court no. 1 by Ministry of Labour New Delhi on 25-8-93. The statement of claim was filed by the workman in that court on 1-9-93. The workman Shri Purushottam Gopal Padole had mentioned in the statement of claim that the allegations against him are regarding the theft of one truck coal on 19-9-91. He was driver at Rajur Colliery on 19-9-91. Chargesheet was submitted against him on 24-9-91. The Enquiry Officer submitted his report on 24-2-92 holding that Shri Purushottam Gopal Padole is guilty of committing theft of one truck coal from the colliery and the charge against him has been proved. The workman was dismissed vide order no. WCL/RSA/SAM/PER/3586 dated 3/4-3-92.

Shri Justice R. C. Verma, the Presiding Officer of CGIT, Court no. 1, Mumbai heard the arguments of both the parties regarding the fairness of the enquiry proceedings. On 31-10-96 he passed the order that the domestic enquiry conducted by the enquiry officer was fair, legal and proper. While passing this order he further provided opportunity to parties for arguing on the point of perversity of the report of the enquiry. He fixed 27-11-96 for argument on perversity of the findings of Enquiry Officer. After that the case remained pending in the CGIT, Court no. 1 Mumbai and on 10-10-97 the undernoted order was passed "Issue notice to the parties, Call on 02-12-97 at Bombay."

On 2-12-97 the undernoted order was passed "Next date will be intimated with due notice".

This file was received in his Court at Nagpur in June 2000 and 30-6-2000 was fixed and the notices were issued to both the parties. Both the parties argued the case on the point of perversity of the Enquiry Report.

On 1-12-2000 after hearing the arguments of advocates of both the parties and considering the evidence produced during the enquiry proceedings this court passed the undernoted order.

"In view of the above facts the findings of the Enquiry Officer is based on the evidence recorded by him. His enquiry report therefore cannot be considered perverse, or against the principles of natural justice." It was held that enquiry report of the Enquiry Officer is not perverse. He has given cogent reasons in recording his findings and has based his findings on the documentary and oral evidence on record.

The counsel for both the parties thereafter requested that they want to argue the case on the point of punishment awarded to the workman.

I have heard the counsel for the workman Shri S. B. Dhande and the counsel for the management Shri B. N. Prasad. The counsel for the workman has submitted ruling 2000(86) FLR 595, U. N. Pandey and Eastern

Coalfields Ltd. and Others. He argued that the single isolated instance of neglect is not misconduct and the order of dismissal is not justified.

In the case referred, in the ruling the workman was a despatch Clerk and excess quantity of coal was allowed to be lifted. The workman had failed to verify the quantities being despatched and also to keep the records updated for proper reconciliation. The circumstances of this case are totally different as the allegation against the workman are of committing the theft of one truck of coal. Hence, the above ruling is not applicable in this case.

The workman in this case had loaded six trips of coal in his vehicle. He was driver of the said vehicle. The third trip of coal was loaded by him in his truck. The timing of the loading of the coal under the bunker and the departure of the truck from the pit top was recorded at 3.25 A.M. This third trip of the coal was not unloaded in the siding by the workman Shri Purushottam Gopal Padole and thus, the coal of third trip was stolen by the workman. It is therefore clear that one truck coal was not brought by the workman to the place where it was being unloading at the siding.

As I have discussed above, the enquiry report was found fair and justified by Shri R. S. Verma, Presiding Officer, C.G.I.T. Court No. 1, Mumbai on 31-10-96. The enquiry report was also not found perverse by this court on 1-12-2000, hence the quantum of punishment regarding the dismissal of the workman from the service cannot be considered unproportionate.

The counsel for the workman has argued that no report of theft was lodged by the management with the police, hence the punishment be reduced. The arguments for the counsel for the workman has no force. For this reason that the report was not lodged at the police station, the gravity of misconduct will not be affected.

The action of the management of Sub Area Manager in dismissing the services of Sh. Purushottam Gopal Padole is therefore justified.

#### ORDER

The action of the management of Sub Area Manager, Rajur Sub Area of WCL, PO : Rajur, Tal : Wani, Distt : Yeotmal in dismissing the services of Sh. Purushottam Gopal Padole is justified. The workman is not entitled to any relief.

The reference is answered accordingly.  
Dated : 26-12-2000.

The copy of order dated 1-12-2000 is attached.

B. G. SAXENA, Presiding Officer

#### ORDER REGARDING PERVERSITY OF

#### ENQUIRY OFFICERS REPORT

Dated : 01-12-2000.

This reference bearing No. 149/2000 was sent to CGIT Court No. 1, at Mumbai on 25-8-93. This file has been received in this court on transfer in June 2000 i.e. after nearly seven years.

During the above period of seven years the case could not be disposed off at CGIT Court No. 1, Mumbai.

I have heard the arguments of the counsel for workman and the counsel for management of WCL on the point of perversity of the findings of Enquiry Officer's report, because on 31st October 96, Justice R. S. Verma, Presiding Officer, CGIT No. 1 had recorded finding on the enquiry report partially.

In his order dated 31-10-96 Shri R. S. Verma held that the enquiry was fair, legal and proper. There was nothing to show that Enquiry Officer acted with bias or prejudice. However, he left the findings incomplete regarding the issue of perversity in the above order.

I have heard the counsel of both the parties on the point of perversity on the enquiry report.

The counsel for the workman argued that during enquiry proceedings the statement of witness Shankar Khadikar shows that six trips of loaded coal were brought in the night of 19th September, 91 by the workman, Purushottam Gopal Padole, driver of the vehicle to the pit siding and they were unloaded. He was Security Officer during that night at that place.

The counsel argued that he does not say that any truck was missing, so the Enquiry Officer's finding is perverse. In the charge sheet also it is not mentioned, in which trip the theft of coal was committed.

The counsel for WCL argued that besides this witness four other witnesses were also examined before the Enquiry Officer. These witnesses are S. N. Gohokar Surajbhan, Ganpat Wiku and S. G. Kamble. E. N. Gohokar has stated that, dumper no. MTG 6735 was used for transporting the coal from Rajur colliery pit to the colliery siding. The timings of loading under the bunker and departure of truck from pit top were recorded. The third trip was loaded at bunker at 3.20 a.m. and left for siding at 3.25 a.m. After its departure it could have reached the weighbridge/side within 15 minutes. This trip did not go to the weighbridge and was not unloaded in the siding by the workman Purushottam Gopal Padole and thus, the coal of the third trip was stolen by the workman.

The second witness, Surajbhan also supported his statement. He says that, Purushottam G. Padole was on duty for transporting the coal on that night.

Witness Ganpat Wiku says that second trip of coal was brought by Purushottam G. Padole at 2.30 a.m. and after that he brought the fourth trip at 5.30 a.m. He also brought fifth and sixth trip. His statement shows that the third trip of coal was not unloaded by the workman at the siding.

S. G. Kamble, the clerk at the side of the loading stated that second trip was sent at pit siding by him and the coal was loaded at 1.50 a.m. Third trip was loaded at 3.50 a.m. In this trip 7.00 ton coal was loaded. Purushottam, driver returned at 6 a.m. to load the fourth trip. Six trucks were loaded from the loading side by him. He had weighed the coal of each trip.

The statement of workman during enquiry was also recorded. He says that the coal of the third trip was

not unloaded by the clerk and the chowkidar at the siding because they were sleeping. He himself unloaded the coal of the truck. It is suggested to him that when the weighmen was there and clerk was also there why he did not get the record prepared for unloading the third trip. The workman did not give satisfactory explanation about it in the enquiry. He says that the remaining five trips were unloaded by the officials concerned.

The counsel for WCL argued that the workman also did not reply why he did not awaken the employees on duty when he unloaded the third trip of coal.

In view of the above facts the findings of the Enquiry Officer is based on the evidence recorded by him. His enquiry report therefore cannot be considered perverse or against the principles of natural justice. I therefore hold that the enquiry report of the Enquiry Officer is not perverse. He has given cogent reasons in recording his findings and has based his finding on the documentary and oral evidence on record.

B. G. SAXENA, Presiding Officer,  
C.G.I.T.-Cum-Labour Court,  
Nagpur.

नई दिल्ली, 1 फरवरी, 2001

का.आ. 345:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार इन्ड्यू.सी.एन. के प्रवर्धन के संबंध में निम्नलिखित और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अप मध्यस्थता नागपुर के पत्राक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 का प्राप्त हुआ था।

[सं.एन.-22012/160/95-आई आर(सी-11)]  
एन.पी. केशवन, डेस्क ऑफिसर

New Delhi, the 1st February, 2001

S.O. 345.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 30-1-2001.

[No. I-22012/160/95-IR(C-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT:

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-71/2000

Employers in relation to the management of  
W.C.L.

AND

Their workman Shri Anandrao K. Gedam.

#### AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/160/95/IR(C-II) dated 27-1-1997 on the following schedule.

#### SCHEDULE

"Whether the action of the management of New Majri Opencast Sub Area of WCL, District Chandrapur, in dismissing Shri A. K. Gedam, Badli Worker, from service is legal and justified? If not, to what relief is the workman entitled and from which date?"

The Statement of Claim has been submitted by S. Mazhar, President of Koyla Khadan Karanchari Sangh on behalf of the workman Anandrao K. Gedam. It is mentioned that the workman was appointed as Badli worker at Majree Colliery No. 3 in 1986. On 12-8-89 he was seriously injured and his four fingers of left hand were damaged. He was admitted in the hospital. The workman submitted his petition before A.L.C.(C), Chandrapur on 25-1-94. He was not paid any compensation. The management issued chargesheet to the workman on 7-9-89 for remaining absent from duty and he was dismissed from service on 14-11-90.

The management disputed the claim and mentioned in written statement that the workman remained absent from 23-5-88 to 20-6-88 and he was warned by the management vide order dated 20/30-6-88. He again absented from 17-7-88 to 24-9-88 and he was again warned for his absence.

From 29-6-89 to 5-9-89 he remained absent from duty unauthorisedly and chargesheet was issued to him on 5-9-89. Enquiry was conducted against him but he did not appear in enquiry. He was dismissed vide letter No. WCL/NMC/MGR/PER/3705/90 dated 11/14-11-1990. He did not file any appeal against his dismissal and applied for payment of gratuity on 27-2-91.

Roth the parties have also filed documents.

This file was received from C.G.I.T. Court No. 2, Mumbai in June, 2000. The workman A. K. Gedam had filed affidavit but he did not turn up to stand cross-examination on 6-7-2000. The case was adjourned to 28-7-2000, 28-8-2000, 14-9-2000. On 14-9-2000 A. K. Gedam did not turn up. His advocate also did not appear to conduct his case. The representative of his union also did not turned up to contest the case. The case was again adjourned to 18-9-2000, 25-9-2000, 26-9-2000, 13-10-2000 and 1-12-2000.

The counsel for WCL Shri B. N. Prasad represented that neither the workman is turning up to content the case nor any representative of his union

has appeared in the court to represent the workman. He also submitted Written Argument on 18-9-2000.

The counsel for management argued that the workman had not received any treatment for any injury or any sickness in the hospital of the company. He had not received any injury while working on duty and he is not entitled to any compensation. The workman was in the habit of remaining absent and he was also warned twice before the issue of charge-sheet. The workman did not improve his conduct and after holding enquiry his service was terminated.

The order sheets of C.G.I.T. Court No. 2, Mumbai also shows that the workman remained absent on several dates during the year 1998-99.

The application dated 26-9-88 of the workman Anandrao K. Gedam addressed to Khan Prabandhak is on the file. He has mentioned in this application that he was not admitted in any hospital of the colliery for treatment and he committed this mistake. During enquiry also several times information was sent to him to appear personally or to get himself represented through union in the enquiry, but he avoided to appear.

The letter of Assistant Labour Commissioner (C), Chandrapur dated 10-12-94 shows that the workman was paid Rs. 4869 as gratuity after his dismissal.

The enquiry report dated 7-9-89 also shows that the workman Anandrao K. Gedam remained absent from duty unauthorisedly from 29-6-89 to 5-9-89. The charge was proved against him and he was therefore dismissed. The order No. WCL/NMC/OCM/MGR/PER/2887 dated 5/7-10-1990 shows that the Enquiry Officer had submitted report for the dismissal of the service of the workman.

From the side of the workman no evidence has been produced to show that he received any injury while working in the colliery. With the statement of claim also the Medical Certificate dated 16-8-89 shows that the workman had fallen from cycle.

Shri B. N. Prasad argued that if the workman received any injury while cycling and he was not on official duty he is not entitled for any compensation.

The workman has not submitted any reliable evidence in this court for his unauthorised absence due to any illness or any injury.

In these circumstances he has been rightly dismissed from the service for his unauthorised absence.

#### ORDER

The action of the management of New Majri Opencast Sub Area of WCL, District Chandrapur in dismissing Shri A. K. Gedam, Badli Worker from service is legal and justified.

He is not entitled to any relief.

The reference is answered accordingly.

Dated : 8-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का.आ. 346.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार इन्ड्यू.सी.एल. के प्रवर्तकों के संवद्ध नियोजकों और उनके कार्यों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 को प्राप्त हुआ था।

[सं.एल.-22012/266/97-आई आर(सी-II)]

एन.पी. केसवन, डेस्क अधिकारी

New Delhi, the 1st February, 2001

S.O. 346.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 30-1-2001.

[No. L-22012/266/97-IR(C-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

#### PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-96/2000

Employers in relation to the management of M/s.  
Western Coalfields Ltd.,

#### AND

Their Workman Shri Deorao Janarthan Milmlie.

#### AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-22012/266/97/IR(CM-II) dated 12-6-98 on the following schedule.

#### SCHEDULE

"Whether the action of the management of Namely Sub Area Manager, M/s. WCL, Hindustan Lalpeth Sub Area in not regularising Shri Deorao Janarthan Milmlie (Fitter Helper), as Clerk, since 20-8-95 is proper, legal and justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary in the matter?"

In this reference Shri Deorao Janarthan Milmlie (Fitter Helper) has raised the dispute for regularisation as Clerk since 20-8-95. In his statement of

claim he has mentioned that Smt. Saini and Shri Jitesh Joshi had been appointed as Clerk Grade III whereas he is working as Tripman Grade III. The workman has mentioned that in the year 1989 and 1990, he worked as General Clerk, but, he has not been promoted as General Clerk.

The management has disputed the claim on the ground that Shri D. J. Milmlile is not working on the post of Clerk Grade III (General) since 20-8-95, hence the question of regularising him does not arise. In 1989 and 1990 he did not work for 240 days on the post of General Clerk, hence he cannot be regularised. The departmental promotion committee did not consider him fit for and did not recommend his name for Clerk Gr. III (General). The committee had recommended his name against the post of Tripman and he was ordered to join the duty vide order dated 5/6-12-95 on this post within 15 days. He did not join on this post, hence his promotion was cancelled.

Shri Jitesh Joshi was directly appointed as Trainee Clerk and has been regularised. Smt. Saini had the required qualification of the clerk and she was regularised on that post. It was for the management to decide the nature of the work for the lady clerk, and Shri D. J. Milmlile cannot claim parity with her.

I have considered the argument of the representative of the workman and the representative of the WCL. Both the parties have submitted their written argument. Shri B. A. Kale represented the workman and submitted the written argument for the workman. Shri Kale argued that in letter dated 1-4-89, Milmlile was considered for the post of Clerk Gr. III (General). The report of the committee is dated 14-10-88. In this list the name of Shri Milmlile has been scored out by the typewriter.

Neither the management nor the workman produced any witness to prove this document Exhibit No. 1. It is also not explained by any witness whether the name of Shri D. J. Milmlile was typed in the order or not. If his name was typed, for what reasons his name was scored out. No other evidence has been produced to show that on 16-4-89, Milmlile was also considered for promotion to the post of Clerk Gr. III (General).

The letter No. 2155 dated 7-12-95, Exhibit 4, shows that Shri Deorao Janarthan Milmlile was working as E.P. Fitter. He was promoted as Tripman Gr. III (Clerical) and was directed to join this post within 15 days.

The letter No. 2199 dated 23-12-95, Exhibit No. 5 shows that Shri Deorao Janarthan Milmlile (Workman) did not join the post of Tripman Gr. III (Clerical) within 15 days as directed by the management and therefore his selection for this post was cancelled. He was pressing for his promotion to Clerk Gr. III (General), which was not accepted by the management.

In the aforesaid circumstances there is no evidence on record that the departmental promotion committee had recommended the name of Shri D. J.

Milmlile for Grade III Clerk (General). The representative of the management has argued that Tripman post is also the post of Clerk Gr. III. The workman was not considered for Clerk Grade III (General) any time.

The workman has therefore not worked as Clerk Grade III (General) for more than 240 days in any year, hence he cannot be considered for regularisation in that cadre. The statement of Shri Mahto, Personnel Manager, Ballarpur Sub Area, WCL, also shows that the workman Shri D. J. Milmlile is working as Fitter. In 1995 the workman had applied for the post of Tripman, which is clerical Gr. III post. In his affidavit he has mentioned that because the workman has not worked as Clerk Gr. III (General) and he is working as E.P. Helper only in the Excavation Section, so he has not been promoted as Clerk Gr. III (General) any time.

In the circumstances discussed above, and the evidence on record the workman had not been promoted as Clerk Gr. III (General) by the management of WCL any time, hence he is not entitled for regularisation in that cadre.

### ORDER

The action of the management of namely Sub Area Manager, M/s. WCL, Hindustan Lalpeth Sub Area in not regularising Sh. Deorao Janarthan Milmlile (Fitter Helper) as Clerk since 20-8-95 is proper, legal and justified. The workman is not entitled to any relief.

The reference is answered accordingly.  
Dated : 4-1-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का.आ. 347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबन्धसूचक के सबब नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2001 को प्राप्त हुआ था।

[सं.एल-22012/310/(एफ) 90-सी-II]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 1st February, 2001

S.O. 347.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman,



which was received by the Central Government on 31-1-2001

[No. L-22012/310(F)/90-C-II]  
N. P. KESVAN, Desk Officer

ANNEXURE  
BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR (MP)  
Case No. CGIT/LC/R/6/90

Presiding Officer : Shri K. M. Rai,  
Shri S. L. Bakoria (Ex. AG-I(D)),  
L-401, Naya Subhash Nagar,  
Raisen Road,  
Habib Ganj, Bhopal.

—Applicant

Versus

The Sr. Regional Manager,  
Food Corporation of India,  
Regional Office,  
Chetak Building,  
Maharana Pratap Nagar,

Habibganj, Bhopal.

—Non-applicant

AWARD

Passed on this 9th day of January, 2001

1. The Government of India Ministry of Labour, vide order No. L-22012(310)/F-90-I dated 19-2-90 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Senior Regional Manager Food Corporation of India Bhopal in removing from service of Shri S. L. Bakoria AG I(D) vide order No. V&S/4(6)/83 dated 12th April, 1984 is justified? If not what relief the workman concerned is entitled to?”

2. The case for the workman is that he was appointed as Assistant by the Assistant Director (Food), Government of India, Ministry of Food and Agriculture, Bhopal and since then he discharged his services to the satisfaction of the management and his superior officers. His services were transferred to the FCI after it came into existence by an institute. He continuously worked for about 21 years in the employment of FCI and he had an unblemished record throughout. Due to his satisfactory performance, he got two promotions and went up to the post of Assistant Grade I(D). He was posted as Depot Incharge at Itarsi.

3. The workman further alleges that some alleged shortage of sugar was detected by the management in the depot and after a lapse of a considerable period of time a chargesheet was issued to him for committing misconduct. He submitted his explanation to the charges levelled against him. The management was not satisfied with the explanation and consequentially proceeded with the Departmental Enquiry against him. After considering the evidence and other documents on record, produced by the parties during the enquiry proceedings, the Enquiry

Officer held the charges not proved against the workman. The Disciplinary Authority did not agree with the finding of Enquiry Officer and passed the dismissal order on 12-4-84 without giving prior notice to him to put up his defence in respect to the proposed severe punishment of dismissal. In this way the management has bypassed the principle of natural justice by awarding the punishment of dismissal from service. No irregularity regarding the maintenance of stock register was committed by the workman during the tenure of his service. After verification he was completely enumerated and even then he was maliciously charged for the shortage of sugar in the depot on account of his Union activities only. The management's action is absolutely mala-fide and without any substance. The Disciplinary Authority has acted on suspicion only and not on the evidence available on record. In this way the order of disciplinary authority is not based on cogent reason and therefore deserves to be set aside. The workman has further alleged that the DW Gunny bags were used by the contractor without any authority and this fact was brought to the notice of the management and even then no action was taken by the officers concerned in respect thereof. This inaction shows the collusion of the officers of the FCI in this respect. The workman had informed this fact to the management which shows his bonafides. For this fact he cannot be held guilty as has been done in the instant case by the Disciplinary Authority. The appellate authority had also not considered the relevant documents and evidence adduced during the enquiry proceeding in maintaining the dismissal order passed by the Disciplinary Authority. The workman has been rightly held not guilty by the enquiry officer and his finding deserves to be maintained. In view of all these facts the order of dismissal passed by the management on 12-4-94 deserved to be set aside. He is entitled to reinstatement with back wages along with other consequential monetary benefits.

4. The case for the management is that the workman was employed as Assistant Grade I (depot). At the time he was pushed to work as depot incharge at FCI. There had been a shortage of stock of Food during the tenure of his working and therefore a chargesheet in this connection was issued to him. The explanation submitted by the workman was not found satisfactory and therefore the DE was conducted against him. During the enquiry the workman was afforded ample opportunity to put up his defence. He had cross examined the witness adduced by the management. The Disciplinary Authority did not agree with the finding of the Enquiry Officer and after giving the reasoned order the services of workman were ordered to be dispensed with. The workman preferred an appeal against this order and the appellate authority found the appeal without any substance. The workman also preferred a review petition before the Managing Director who also dismissed this petition. In this way the order of dismissal passed by the Disciplinary Authority against the workman does not require any interference by this tribunal. This dispute has been raised after the lapse of a considerable period of time and therefore the workman is not entitled to the relief as claimed by him. The workman has lost the confidence of the management as a substantive

shortage of Food was detected during his working hours. In such a circumstance he is not entitled to reinstatement with back wages as claimed by him. Following issues have been framed in this case and my findings thereon are given hereinafter :

1. Whether the enquiry is just proper and legal?
2. Whether the management is entitled to lead evidence before this tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal?
5. Relief and costs?

5. Issues No. 1 and 2.—It is an admitted fact that the Enquiry Officer had exonerated the workman of the charges of misconduct levelled against him. The disciplinary authority disagreed with the finding of the Enquiry Officer and awarded the punishment of dismissal from service on 15-4-84. Before passing this order no notice of proposed punishment was given to the workman to submit his explanation in this respect. In this way the workman was prevented from submitting his defence regarding the proposed punishment of dismissal by the Disciplinary Authority. Such order of punishment is against the principle of natural justice and bad in the eye of law which cannot be sustained. Such order of dismissal deserves to be quashed as laid down in 1998-AIRISC 2713, Punjab National Bank and others versus Kunj Bihari Mishra with Chief Personnel Manager, Punjab National Bank versus Shanti Prasad. In view of this finding of the Supreme Court the order of punishment passed by the Disciplinary Authority against the workman is absolutely illegal and cannot be maintained in the eye of law. In view of this finding, management cannot be allowed to lead evidence to prove the alleged misconduct of the workman. Issues No. 1 and 2 are answered accordingly.

6. Issue Nos. 3 and 4.—In the light of the aforesaid discussion the punishment of dismissal awarded against the workman is held unjust and illegal. Issue Nos. 3 and 4 are decided accordingly.

7. Issue No. 5.—On the reasons stated above, the order of dismissal passed by the management against the workman is hereby set aside. The workman shall be reinstated with all back wages and monetary benefits attached to his post. He shall be deemed to be in continuous service from the date of dismissal till the date of reinstatement. He shall be paid all the back wages and other consequential benefits by the management as if he were not dismissed from the service.

8. Parties shall bear their own cost. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का.आ. 348.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2001 को प्राप्त हुआ था।

[सं. एल-22012/416/91-आईआर(सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st February, 2001

S.O. 348.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 30-1-2001.

[No. L-22012/416/91-IR(C-II)]  
N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/100/92.

Presiding Officer : Shri K. M. Rai.

Shri Kailashpati Singh,  
S/o Shri Late Ganga Singh,  
Ex. Grade. D. Fitter,  
Bishrampur Opencast Mines,  
Distt. Surguja (MP).

... Applicant.

Versus

The Dy. General Manager,  
SECL, Bishrampur Opencast Mines,  
Post Bishrampur Colliery,  
Distt. Surguja (MP).

... Non-applicant.

AWARD

Passed on this 15th day of January, 2001

1. The Government of India, Ministry of Labour vide order No. L-22012/416/91-IR(Coal-II) has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Dy. General Manager, Bishrampur opencast mines of SECL, PO Bishrampur Colliery, Distt. Surguja (MP) in dismissing Shri Kailashpati Singh, Fitter (Excavation) from company's services w.e.f. 14-9-90 is legal and justified? If not, what relief is the workman entitled to?”

2. The case for the workman is that he was employed on a permanent post of fitter Group-D (Excavation) NCM No. 7, Bishrampur Colliery, Distt.

Sarguja by the management. He had served the management with all sincerity and to the satisfaction of his superior officers for a period of 27 years on the basis of a satisfactory service. He was given several promotions by the management.

3. It is further contended by the workman that on 24/25-6-90, he was issued the chargesheet regarding the alleged misconduct of misbehaving with Shri R. K. Sinha, Engineer during duty hours and leaving the duty without any permission. He submitted his explanation to the charges. The management did not accept the explanation and decided to proceed with the DE against him. The Departmental Enquiry was conducted against him and the Enquiry Officer wrongly held these charges proved against him. The Disciplinary Authority mechanically accepted the report of Enquiry Officer and passed the order of dismissed from service on 12-9-90. He preferred the appeal against this order. The Appellate Authority also without applying its mind rejected his appeal. The Enquiry Officer adopted the prejudicial view and without considering the evidence on record improperly held him guilty of the charges. The entire enquiry was conducted in a mala fide manner. He was not given the sufficient time to prepare his defence. The entire Departmental Enquiry proceedings was unfair and contrary to the principle of natural justice. In view of all these facts, the order of dismissal deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits.

4. The case for the management is that on 23-6-90 at 5.15 P.M., the workman left his duty in the field on shrowel No. 101 without permission of the shift incharge and came to the workshop of quarry No. 7 in an angry and agitated mood and questioned Shri R. K. Sinha Engineer as to why he had not given him duty on Sunday i.e. 24-6-90. Shri Sinha replied that his services were not required at all on 24-6-90. Thereafter the workman started abusing Shri Sinha filthy and also assaulted him. Shri S. N. Ghosh and Shri Sumet Singh, employees of the SECL, intervened and saved Shri Sinha from further assault of the workman. The matter was reported by Shri R. K. Sinha and the charges were framed against him. The opportunity was given to him to submit his explanation to charges of misconduct, the workman submitted his reply which was not found satisfactory.

5. The management also further alleges that the Departmental Enquiry was conducted against the workman and sufficient opportunity was given to defend his case. Several adjournments were given on his request in order to enable him to put up his defence properly before the Enquiry Officer. The workman cross-examined the prosecution witness during the enquiry proceedings. He was also given opportunity to produce the witnesses in his defence. After the close of evidence, both the parties submitted their written arguments to the Enquiry Officer. After considering the matter on record, the Enquiry Officer held the charges proved against the workman. The Disciplinary Authority rightly accepted the report of

Enquiry Officer and passed the order of impugned dismissal order against the workman. An appeal was also preferred against the dismissal order by the workman and the Appellate Authority did not find any reason to defer with the Disciplinary Authority. He accordingly rejected the appeal and upheld the order of dismissal passed against the workman. The enquiry was conducted in a legal, fair and just manner. In the circumstances of the case, the order of dismissal is just and proper and does not require any interference by the tribunal.

6. The following issues have been framed in this case and my findings therein are noted below :

1. Whether the departmental enquiry is proper and legal ?
2. Whether the management is entitled to lead evidence before this tribunal ?
3. Whether the punishment awarded is proper and legal ?
4. Relief and costs ?

7. Issue No. 1 & 2 : On 27-8-98, my learned predecessor has held the DE as just and proper. In view of this finding, these issues need further no consideration at all.

8. Issue No. 3 : The workman was issued a chargesheet for assaulting Shri R. K. Sinha Engineer and misbehaving with him on duty as well as leaving work without the permission of competent authority. During the Departmental Enquiry, both the parties were have clearly stated during the enquiry proceeding workman refused to produce any defence witness to prove his defence version. The prosecution witnesses have clearly stated during the enquiry proceeding that the workman had abused and assaulted Shri R. K. Sinha, Engineer during the working hours as well as he had left his duty without the permission of the Competent Authority. The Enquiry Officer has properly appreciated the evidence of the witnesses and came to the conclusion that the charges were proved against the workman without any doubt. His appreciation appears to be just and proper and therefore the Disciplinary Authority agreed with his finding. The workman was afforded sufficient opportunity to prove his defence and he failed to discharge his duty by rebutting the evidence of the prosecution adduced before the Enquiry Officer. This tribunal cannot sit as a court of appeal over the decision of Disciplinary Authority. From the material on record, it is not disclosed that the Enquiry Officer had given his finding without any sufficient reason and evidence in respect thereof. His finding cannot be held to be perverse. This tribunal is in no way legally authorised to

re-appreciate the evidence adduced during the enquiry proceedings and come to a different conclusion. In view of this fact, I find that the conclusions of Enquiry Officer and Disciplinary Authority are perfectly just and proper which do not require any interference by this tribunal. The punishment of dismissal is just and proper.

9. The conduct of the workman has been highly objectionable and unbecoming of an employee of the management. He is not supposed to assault his superior officer in order to get his grievance redressed by exercising force on him. Such action is highly deplorable and cannot be allowed to continue. In view of the foregoing reasons, I find the punishment of dismissal awarded to the workman is just and proper and does not require any interference. Issue No. 3 is answered accordingly.

10. Issue No. 4 : On the reasons stated above, it is held that the punishment of dismissal awarded by the management to the workman is just and proper and does not require any interference by this tribunal. The workman is not entitled to any relief as claimed by him. The reference is accordingly answered in the favour of the management and against the workman.

11. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 6 फरवरी, 2001

का.प्र. 349.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.प्र. 1873 दिनांक 10 अगस्त, 2000 द्वारा नाभकीय ईंधन और संघटक भारी पानी और संबद्ध रसायन तथा प्राणुयुक्त ऊर्जा को उक्त अधिनियम के प्रयोजनों के लिए 26 अगस्त, 2000 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 26 फरवरी,

2001 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/3/97—आई.प्रार. (पी.एल.)]

एच. सी. गुप्ता, प्रवर सचिव

New Delhi, the 6th February, 2001

S.O. 349.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1873 dated the 10th August, 2000 Industrial establishments manufacturing or producing Nuclear Fuel and Components, Heavy Water and Allied Chemicals and Atomic Energy to be a public utility service for the purpose of the said Act, for a period of six months from the 26th August, 2000.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 26th February, 2001.

[No. S-11017/3/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

का.प्र. 350.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केवल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे अर्थात् :—

“जिला कण्णूर के तलीपरंबु तालुक में राजस्व ग्राम कुट्टीयेरि के अग्रजि आने वाले क्षेत्र”।

[सं. एस-38013/7/2001-एस.एस.-1]

जे. पी. शुक्ला उप-सचिव

New Delhi, the 6th February, 2001

S.O. 350.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely :—

"The areas within the Revenue village of Kuttiperi in Thaliparamba Taluk of Kannur District."

[No. S-38013/7/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

का.प्रा. 351.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 01 मार्च, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 [धारा 76 की उप धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध गुजरात राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"गांधीनगर शहर (जिला-गांधीनगर) के नोटीफाइड क्षेत्र और राजस्व सीमाओं के अन्तर्गत आने वाले क्षेत्र"।

[सं. एस-38013/4/2001-एसएस-I]

एच. एल. रुलंगुल, अवर सचिव

New Delhi, the 6th February, 2001

S.O. 351.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Gujarat namely :—

"The areas comprised within the Notified and Revenue Limits of Gandhinagar City, District Gandhinagar."

[No. S-38013/4/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 7 फरवरी, 2001

का.प्रा. 352.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला तृशूर के तृशूर तालुक में राजस्व ग्राम नाडतारा और कुरिचिकरा के अधीन आने वाले क्षेत्र"।

[संख्या एस-38013/5/2001-एस.एस.-I]

एच. एल. रुलंगुल, अवर सचिव

New Delhi, the 7th February, 2001

S.O. 352.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st March, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely :—

"The areas within the Revenue villages of Nadathara and Kurichikkara in Taluk and District Trichur."

[No. S-38013/5/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

का.प्रा. 353.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2001 की उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध उड़ीसा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे अर्थात् :—

"जिला कोरापुट की जयपुर सहसिल में बनकाबीजा, जयपुर एल. ग्रार., जगधारीपुर, सकमणपुर, विक्रमनगर, विद्याधरपुर, नीलकंठवरपुर एवं बालाजीपुर क्षेत्र के राजस्व गांव"।

[सं. एस-38013/6/2001-एस.एस.-I]

एल. एच. रुलंगुल, अवर सचिव

New Delhi, the 6th February, 2001

S.O. 353.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

"The areas comprising the Revenue Villages of Bankabija, Jeypore LR, Jagadhatripur, Laxmanpur, Bikram Nagar, Bidyadharpur, Nilakanthe Swarpur and Balajipur in Tehsil Jeypore of District Koraput."

[No. S-38013/6/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

का.आ. 354.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 01 मार्च, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला जयपुर तहसील सांगानूर के अन्तर्गत आने वाले सीतापुर औद्योगिक क्षेत्र, राजस्व ग्राम-भयोपुर, सुखपुरिया, सीतापुर, दहलावास, महाराजपुरा उर्फ खतरावाला, खूसर, रामचन्द्रपुरा बड़ी का बास और राजस्व ग्राम शिकारपुर, कल्याणपुरा, श्री राम की मांगल और मुहाना"।

[सं. एस-38013/3/2001-एस एस-I]

एल. एच. रुनगुल, अवर सचिव

New Delhi, the 6th February, 2001

S.O. 354.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2001 as the date on which the provisions of Chapter IV

(except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Rajasthan namely :—

"Sitapur Industrial Area comprising Revenue villages of Seopur, Sukhpuria, Sitapura, Dahlawas, Maharajpura alias Chatrawala, Khusar, Ramchandrapura, Badi ka Bas and areas comprising Revenue villages of Shikarpura, Kalyanpura, Sri Ram Ki Nangal and Muhana in Tehsil Sanganer, District Jaipur."

[No. S-38013/3/2001-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 7 फरवरी, 2001

का.आ. 355.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत के राजपत्र, असाधारण भाग II खंड 3 (ii) दिनांक 18 फरवरी, 2000 में प्रकाशित भारत सरकार श्रम मंत्रालय की अधिसूचना का.आ. संख्या 138(ई) दिनांक 15 फरवरी, 2000 में निम्नलिखित संशोधन करती है :

उक्त अधिसूचना में "धारा 18 क खड (ख) क अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त शीर्षक के तहत क्रमांक 4 के सामने निम्नलिखित प्रविष्टियां अस्तः स्थापित की जाएंगी अर्थात् :—

"संयुक्त सचिव  
(शिवराज सिंह)  
पेट्रोलियम विभाग,  
भारत सरकार,  
नई दिल्ली।"

[सं. यू-16012/1/2000-एस एस-I]

एल. एच. रुनगुल, अवर सचिव

New Delhi, the 7th February, 2001

S.O. 355.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 138(E), dated the 15th February, 2000 published in the Gazette of India, Extraordinary Part II, Section 3(ii) dated the 18th February, 2000:

In the said notification under the heading "Appointed by the Central Government under

clause (b) of Section 8" against Serial No. 4, the following entries shall be inserted, namely :—

"Joint Secretary,  
(Sh. Shiv Raj Singh)  
Department of Petroleum,  
Government of India,  
New Delhi."

[No. U-16012/1/2000-SS-I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 9 फरवरी, 2001

का.आ.356.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एस. के. त्रिपाठी, अवर सचिव, विज्ञान एवं प्रौद्योगिक मंत्रालय, विज्ञान एवं प्रौद्योगिक

विभाग, नई दिल्ली को दिनांक 3 फरवरी, 2001 (पूर्वाह्न) से उत्प्रवासी संरक्षी-1 मुंबई के रूप में नियुक्त करती है।

[सं. एस-11011/1/2000-उत्प्रवास]

हरि सिंह, उप सचिव

New Delhi, the 9th February, 2001

S.O. 356.—In exercise of the powers conferred by Section 3, Sub-Section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri S. K. Tripathi, Under Secretary, Ministry of Science and Technology, Department of Science and Technology, New Delhi as Protector of Emigrants-I, Mumbai with effect from 3rd February, 2001 (F.N.).

[No. S-11011/1/2000-Emig.]

HARI SINGH, Dy. Secy.

10/5/2011